

RESTORATION ADVISORY BOARD

Martinez, California

November 3, 2003

Reporter's Transcript of Meeting

NICCOLI REPORTING

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NAVAL WEAPONS STATION
SEAL BEACH DETACHMENT CONCORD
RESTORATION ADVISORY BOARD

REPORTER'S TRANSCRIPT OF MEETING
November 3, 2003

Martinez Sheriff's Station
1980 Muir Road
Martinez, California

Reported by Janine P. Gamble, RPR, C.S.R. No. 10372

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CERTIFIED SHORTHAND REPORTERS SERVING THE BAY AREA

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OTHER ATTENDEES

LISA ANICH - Concord resident
BETH BYRNE - Concord resident
HARRY BYRNE - Concord resident
DAVID COOPER - U.S. Environmental Protection Agency (EPA)
BRUCE GERSMAN - Concord Transcript
GREG GLASER - Concord resident
CAROLYN HUNTER - Tetra Tech EM Inc.
PATRICK LYNCH - Technical Assistance Grant (TAG)
DEAN McLEOD - CNWLRA
GREGG SMITH - United States Navy
PETER STRAUSS - Technical Assistance of Public Participation (TAPP)
STEPHEN F. TYAHLA - Department of the Navy

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PARTICIPANTS

COCHAIRS: MARGARET WALLERSTEIN - United States Navy
MARY LOUISE WILLIAMS - Concord resident

RAD MEMBERS:

CHRISTOPHER BOYER - Martinez resident
DAVID L. GRIFFITH - City of Concord representative
LAURENT MEILLIER - San Francisco Bay Regional Water Quality Control Board (SFBWQCB)
MARIO MENESINI - Walnut Creek resident
JIM PINASCO - Department of Toxic Substances Control (DTSC)
PHILLIP RAMSEY - U.S. Environmental Protection Agency (EPA)
IGOR O. SKAREDOFF - Martinez resident

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MARTINEZ, CALIFORNIA, MONDAY, NOVEMBER 3, 2003
6:36 P.M.

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MS. WILLIAMS: Okay. Let's get started on the November 3rd, 2003 Restoration Advisory Board, Concord Naval Weapons Station, Seal Beach Detachment.
Do we have -- let's see.
We have our permanent guests, and we have some new faces here also.
Would you like to introduce yourselves, please.
MS. BYRNE: Are you listening, Greg?
MR. GLASER: My name is Greg Glaser, and I graduated from law school recently. And in between jobs I've been researching the Naval Weapons Station to find out what's buried where and how it affects them. And I've found the Concord library to be a great resource for that.
MS. BYRNE: And he lives in our neighborhood.
MS. WILLIAMS: Oh, wonderful.
MS. BYRNE: So we've been making lots of contact here.
Beth Byrne, glad to be back.
MR. BYRNE: Harry Byrne, Concord.
MR. GERSMAN: I'm Bruce Gersman. I'm a reporter with the Concord Transcript. Just come to

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1 check out what you're up to.
2 MS. WILLIAMS: Welcome to you.
3 Do we have any public comments?
4 MS. WALLERSTEIN: You want to finish
5 introductions?
6 MS. WILLIAMS: I'm sorry. I forgot. We have
7 to introduce ourselves.
8 I'm Mary Lou Williams. I live in Concord, and
9 I'm the community cochair.
10 MS. WALLERSTEIN: I'm Margaret Wallerstein.
11 I'm the Navy RAB cochair and program manager for the IR
12 Program.
13 MR. TYAHLA: I'm Steve Tyahla. I'm the lead
14 remedial project manager for the Navy.
15 MR. STRAUSS: I'm Peter Strauss. I'm the
16 technical advisor to the RAB.
17 MR. MENESINI: Mario Menesini, Walnut Creek
18 resident, also with the Central Contra Costa Sanitary
19 District.
20 MR. COOPER: David Cooper, U.S. EPA, community
21 involvement coordinator.
22 MR. PINASCO: Jim Pinasco, Department of Toxic
23 Substances Control, project manager.
24 MR. RAMSEY: Good evening. I'm Phillip Ramsey
25 with the United States Environmental Protection Agency.

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1 MR. SMITH: And I'm Gregg Smith, public affairs
2 officer for the Naval Weapons Station.
3 MR. SKAREDOFF: I'm Igor Skaredoff, Martinez
4 resident, and member of the Restoration Advisory Board.
5 MR. BOYER: Chris Boyer, Martinez resident.
6 MS. WILLIAMS: Okay. Then the next item is the
7 approval of the agenda.
8 Do we have any --
9 Do we have any corrections, rearrangements,
10 additions?
11 MS. WALLERSTEIN: Yes, we do.
12 I was going to suggest that we move -- the
13 agenda for the next meeting, we move that before Peter
14 Strauss's report so that if he needs some additional
15 time, he can -- he can be available during the break
16 and -- perhaps, but I thought it would give more
17 continuity to the presentation.
18 MS. WILLIAMS: Is there a motion to accept this
19 change?
20 MR. SKAREDOFF: Oh, I'll move so.
21 MS. WILLIAMS: Second?
22 MR. BOYER: (Raises hand.)
23 MS. WALLERSTEIN: I second.
24 MS. WILLIAMS: Chris seconded it.
25 Okay. It's been approved and seconded that we

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1 approve the change of the agenda.
2 All in favor say Aye.
3 THE BOARD: Aye.
4 MS. WILLIAMS: Is there any opposition?
5 THE BOARD: (No verbal response elicited.)
6 MS. WILLIAMS: Okay. We approve that change.
7 MS. WALLERSTEIN: Okay. I take it everybody
8 got their copy of the minutes -- or the transcript.
9 Oh, wait. Approval of 14 July. I'm sorry.
10 That should be October.
11 MR. SKAREDOFF: That's another change, huh?
12 MS. WALLERSTEIN: Yeah, that's another change.
13 I guess I haven't been updating that part of my
14 agenda. I've been -- been typing over the old ones. I
15 believe -- what was it, October 4th?
16 MS. WILLIAMS: October 6th.
17 MS. WALLERSTEIN: Okay. So, are there any
18 questions on the transcript?
19 THE BOARD: (No verbal response elicited.)
20 MS. WALLERSTEIN: Do I have a motion to approve
21 it?
22 MR. MENESINI: I'll move approval.
23 MR. BOYER: I'll second it.
24 MS. WALLERSTEIN: Okay. All those in favor?
25 THE BOARD: Aye.

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1 MS. WALLERSTEIN: Opposed?
2 THE BOARD: (No verbal response elicited.)
3 MS. WALLERSTEIN: Okay. Pass.
4 That brings us to unresolved business. The
5 only outstanding action item is still left over from --
6 I believe it was the September meeting, and that was
7 that the Navy will have a presentation on the relation
8 of the Natural Resources Plan to the IR Program.
9 Right now that has been pushed off until March.
10 And we can wade through that a little bit more when we
11 discuss next -- the agenda for the next meeting and the
12 following meeting.
13 I also want to bring up -- I take it all the
14 RAB members got the E-mail that I sent out with the --
15 well, the first item was on new RAB members. And I
16 guess we do have some new members from the public
17 attending tonight, so that's good, but I really would
18 urge everybody to try and recruit as much as possible to
19 bring anybody that they think might be interested to
20 attend a RAB meeting and to recruit new members for the
21 board.
22 We would like to have this up to 15 community
23 members, which is the maximum that the bylaws allow.
24 Are there any questions or comments on that?
25 MR. MENESINI: Do we have a --

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1 Igor and I were talking. Do we have a small
2 pamphlet that describes the action of the RAB that maybe
3 you could hand to somebody who's interested in joining
4 that describes the RAB?
5 MR. SMITH: I think one is being delivered to
6 you even as we speak, Mario.
7 MR. COOPER: In color.
8 MR. MENESINI: Thank you.
9 MR. SKAREDOFF: There's also that other sheet
10 that's similar -- comes with similar information. I
11 grabbed a handful of those. I intend to use them this
12 coming week.
13 MR. MENESINI: Thank you.
14 MR. RAMSEY: I think the fact sheet that -- the
15 one existing sheet, I think that has an application
16 included, I believe. That's maybe what you're talking
17 about, Igor. The last big fact sheet that also
18 described the base, that may have had contacts. That
19 thing always has contacts. I'm not sure, it may or may
20 not have an application.
21 MR. SKAREDOFF: It's kind of a nice
22 presentation of what the RAB is about, where it is, and
23 all that kind of stuff.
24 MR. MENESINI: In any event, something of this
25 order will help, I think.

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1 MS. WALLERSTEIN: Okay. And then when the next
2 fact sheet comes out, that would be available to all RAB
3 members, have extra copies, and it would have the
4 updated contact information on it.
5 MR. SKAREDOFF: There's also information on the
6 web page. I had the opportunity to take a look at it
7 this week, and I was impressed. There has been a lot of
8 improvement made on it, and it's pretty easy to use. I
9 found it very helpful to navigate my way around the
10 various processes. Highly recommend it.
11 MS. WALLERSTEIN: Well, Gregg Smith worked very
12 hard on that.
13 MR. SKAREDOFF: Didn't even know it was you.
14 MR. SMITH: I'm always open to suggestions too
15 from the RAB members. If they see any way that we can
16 improve it, make it more user friendly, you know, please
17 send me an E-mail, give me a call, whatever you would
18 like to do, but, you know, that's your site.
19 MS. WALLERSTEIN: Okay. The next thing I
20 mentioned in the E-mail was the RAB meeting minutes.
21 And right now we're paying 15- to \$1800 a month to have
22 the court reporter do a transcript versus having --
23 Tetra Tech can provide minutes for 500 -- between 500
24 and \$900 a month, 900 being worst case that we want a
25 very detailed transcript of -- detailed minutes for a

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1 long meeting.
2 Does anybody have any questions on that?
3 THE BOARD: (No verbal response elicited.)
4 MS. WALLERSTEIN: Would anyone like to provide
5 some additional input?
6 MR. BOYER: I don't know that we need detailed
7 transcripts of what goes on. Certainly detailed minutes
8 would be helpful, decisions made and deliverables due by
9 the Navy and by other -- other agencies, but I don't
10 know that we need to have the total transcript.
11 MS. WALLERSTEIN: M-hmm.
12 MR. BOYER: We're not a legislative body.
13 MS. WALLERSTEIN: Uh-huh.
14 MR. GRIFFITH: I agree with that.
15 MS. WALLERSTEIN: Okay.
16 MR. SKAREDOFF: I guess, if I recall the
17 proposal correctly, it involved having a backup of
18 having the meeting recorded so if we wanted to get the
19 verbatim comments, we could do that.
20 MS. WALLERSTEIN: Uh-huh.
21 MR. SKAREDOFF: I guess with that, my
22 understanding -- unfortunately, some of the folks who
23 originally proposed the transcript aren't here, but I'll
24 try to reflect what I heard to be their views -- was
25 that they felt there was some considerations about the

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1 accuracy of the summaries, and so they wanted to have
2 the transcript instead. I feel like if we have a
3 summary and we have the opportunity to go to the
4 recording, if we have questions about --
5 MS. WALLERSTEIN: Veracity.
6 MR. SKAREDOFF: -- how accurate the summaries
7 were, how well they reflected what happened at the
8 meeting, we could go back to the recording and have that
9 as a resource to check on that.
10 I think that provides that safeguard without
11 burdening everybody with this huge thick thing that
12 takes a great act of will to read very thoroughly. So I
13 would be willing to -- to forgo that and go to having a
14 recording of the meeting with a summary actually
15 generated.
16 MS. WALLERSTEIN: Okay. It is -- it is in the
17 bylaws.
18 Oh, I'm sorry.
19 MR. STRAUSS: I mean, I'm just going to -- I
20 want to share my experience. At the Moffett Field RAB
21 we just have a summary, same way, and I don't think that
22 anybody has ever gone back to the recording to -- to
23 look at it.
24 People have raised questions on approving the
25 minutes and said, you know, well, I don't -- I'm not

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1 sure that I said it exactly that way and -- and
2 corrected it there, and that's the -- that was the
3 extent. So I was surprised to see this -- you know,
4 Concord doing the transcripts.
5 MS. WALLERSTEIN: Well, I find the -- find the
6 transcripts cumbersome to read.
7 MR. STRAUSS: Yes.
8 MS. WALLERSTEIN: But --
9 Well, it's in the bylaws that we will do a
10 transcript. So, what we'll do at the next meeting is
11 bring in a proposal to change the bylaws, and what we'll
12 have to do is set up an ad hoc committee. We can do
13 that all in one meeting, because the RAB itself can be
14 the ad hoc committee.
15 We can bring in the proposed change, we can
16 discuss it, the committee can approve it and then vote
17 on it at the following meeting.
18 MR. SKAREDOFF: Can we maybe accelerate the
19 process by having the proposed change brought to the
20 meeting for the ad hoc committee to review there, or is
21 that --
22 MS. WALLERSTEIN: I think the bylaws -- the
23 bylaws require that we have the ad hoc committee, you
24 know, meet and make the change, then present it to the
25 RAB, who will then vote on it between 14 and 60 days, I
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1 think it was. So we have to do all of that at one
2 meeting, and then vote on it at the following meeting to
3 meet the timing for the --
4 MR. SKAREDOFF: So we make the change at the
5 next meeting, and then the following meeting we vote on
6 the change?
7 MS. WALLERSTEIN: February we propose a
8 change -- I'm sorry. January we propose the change,
9 February we vote on it, March we implement.
10 MR. SKAREDOFF: So in the meantime we would
11 continue to have transcripts for January and February.
12 MS. WALLERSTEIN: Right.
13 Okay. We'll do that. That's an action item.
14 I also brought up the matter of the technical
15 meeting minutes. And we can just continue sending those
16 meeting minutes out for the time being.
17 I had discussed this a little bit with Igor.
18 My feeling was that with the changes in the remedial
19 project managers' update and the format that you might
20 find the technical meeting minutes a little less useful.
21 Hopefully a lot of the issues and questions and answers
22 will be handled in that, but we can keep sending out the
23 technical meeting minutes.
24 And anybody that ever wants a copy of any
25 minutes any time can have them, of course, and -- but
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1 we'll go through the months and see how it works out,
2 the remedial project managers' update reports, and we
3 can revisit that later.
4 Does anybody have any comments on that?
5 MR. MENESINI: I think how I expressed myself
6 in my E-mail was just about the same that was expressed
7 here.
8 MS. WALLERSTEIN: Uh-huh.
9 MR. MENESINI: All we need is a good minute
10 taker.
11 MS. WALLERSTEIN: Okay.
12 All right. Well, that brings us to the
13 committee reports and announcements.
14 We've already discussed membership, so that
15 brings us to the --
16 Oh, yes. I'm sorry.
17 MS. WILLIAMS: I just wanted to ask while
18 everybody is here -- I asked some of the community RAB
19 members -- I'm going to start actively trying to find
20 some veterans because veterans -- you know, they have
21 time, and hopefully they've still got their eyesight,
22 and maybe we can -- you know, we can recruit some bodies
23 there.
24 Does anybody here belong to any one of the
25 local veterans groups?
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1 I know in the phone book there is -- it's one
2 of the veterans groups, then they have groups in Alamo
3 and Danville and around. I know there is a very active
4 Diablo Valley Vietnam Veterans group, and I was
5 wondering if anybody belonged to that one.
6 I guess I have to do it all myself, try to
7 track these things down. But if you find a veteran
8 that's interested, grab him.
9 That's all I have to say.
10 MR. RAMSEY: Mary Lou, I would just add, if the
11 RAB has any suggestions where they could see a need for
12 a presentation by someone from the Navy or U.S. EPA, I
13 would be more than happy to come and give a presentation
14 to the group about the base like I did for Mario's
15 organization and things like that.
16 So I'm happy to work with -- it would be nice
17 if maybe the Navy and I -- it's nice to kind of
18 coordinate, team up on these kind of things. We haven't
19 done things like maybe visit cities to try to -- maybe
20 make a little plea to city council. And I don't know if
21 bases ever do that or not, but I'm certainly willing to
22 help out.
23 MS. WILLIAMS: Okay. Thank you very much.
24 MR. SKAREDOFF: On November 12th is going to be
25 the Watershed Symposium, which is all the various
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1 regulatory and environmental and some development groups
2 are going to be meeting at the Shadelands Center in
3 Walnut Creek from 8:30 in the morning to 2:30 in the
4 afternoon.

5 The agenda is already pretty full, but they
6 will have an opportunity to have tables and displays
7 there. So, that may be an opportunity to have a display
8 about the RAB. I was planning to bring some of these
9 sheets with me and pass them out.

10 MR. MENESINI: And then on November 17th we're
11 going to have our usual third Monday lecture. This time
12 it will be on the state of the estuary, San Francisco
13 Bay Delta Estuary, the changes and the challenges. And
14 that's one of the reasons I wanted these things was
15 because I'll pass those out at the lecture and see if we
16 can't garner a few more members that have interest.

17 MS. WILLIAMS: Is that the Environmental
18 Alliance?

19 MR. MENESINI: The Environmental Alliance.
20 I kind of object to the eyesight statement.

21 MS. WILLIAMS: Well, no, but I mean --

22 MS. WALLERSTEIN: I'm a veteran, and I can see
23 very well.

24 MS. WILLIAMS: Well, I am too.

25 MR. MENESINI: Not without my glasses

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1 but. . . .

2 MS. WALLERSTEIN: Okay. Are we ready to move
3 to the next item, remedial project managers update?
4 I'll be able to say that one of these days.

5 MR. TYAHLA: That's me. Okay. Stand up for
6 this. Make it a little easier.

7 I guess everybody probably saw the one handout
8 we had which is called the "Navy RPM update for 3
9 November." It's up here on the table. It's a
10 two-pager.

11 That's the latest thing that we're doing with
12 kind of like a chronology of what our -- at least from
13 the Navy's perspective it captures the Navy's
14 correspondence, which includes reports that went out and
15 also any meetings we had with regulatory agencies. So,
16 that's a good snapshot of what went on.

17 Really, out of that list of things I'm going to
18 talk in a little bit more detail about the Site 1 Tidal
19 Area Landfill ROD, let you know where that's at, and
20 then a couple other things I want to just kind of give
21 you a quick update on. I know we have a lot of
22 presentations tonight, so I didn't want to take too much
23 time.

24 I'm not really ready for that one yet, but you
25 can keep it handy, though.

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1 MS. HUNTER: Okay.

2 MR. TYAHLA: First I'll give you like a little
3 verbal update on the Site 1 ROD.

4 That ROD, as you know, was a Revised Draft
5 Final ROD that we sent out, got comments back, and we
6 were in informal dispute. I guess technically we still
7 are in informal dispute with the EPA on that, really
8 just trying to resolve what the language is going to be
9 in that ROD. We're not changing the remedy or anything
10 like that. What we're doing is really trying to
11 fine-tune the language of that. We had a -- I think
12 a -- probably -- yes, well, it's on the -- on the list
13 of the RPM -- Navy RPM update.

14 We had a meeting on the 7th of October with the
15 regulatory agencies to discuss the ROD and what language
16 is used and what ARARs are used, iron that out.

17 And since that meeting on the 7th of October,
18 we sent a couple of parts of it back to the regulatory
19 agencies to kind of like say these are Navy-suggested
20 edits, and we're waiting to get some feedback from
21 those. There's still going to be like an ARAR table
22 that we're revising, we want to send to them, you know,
23 see how that looks to them, get that back.

24 But the ultimate goal is to fine-tune those
25 sections that we thought really needed the work, address

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1 the comments, and eventually the Navy will prepare a
2 response to comments to everything we've received, a lot
3 of comments we received, including from -- not RAB
4 members, but I think from Patrick, your TAG consultant.

5 So those comments will be lumped into one set
6 of responses to comments. But our goal is to really try
7 to get it smooth, available, and hopefully signed
8 sometime in December.

9 You know, it's -- the schedule's kind of, like,
10 not real fixed right now. It's kind of a funny thing,
11 when you go through any kind of informal dispute and our
12 FFA, the clock in a way kind of stops. You kind of like
13 work as expeditiously as you can to get the issue
14 resolved so you can go ahead and complete the report or
15 whatever the action is, in this case the ROD for Site 1.

16 So we're working on that. And I'm -- I'm
17 personally somewhat cautiously optimistic, but hopefully
18 we'll see a smooth thing get done in December so we get
19 this thing put to bed for the cap -- for the cover on
20 the landfill.

21 Also, I want to give you a quick update. We've
22 been out in the field doing some fieldwork at Site 30,
23 which is the Taylor Boulevard Bridge. There was some
24 data gap soil work we needed to do there. The work plan
25 was out. But the data gap work's being done out there

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1 for that as well as the Litigation Area.
2 And I thought -- just a real quick summary on
3 what's been going on out there in the field. We started
4 in the field on the 22nd of October. And under
5 Litigation Area data gaps work we've -- in total we've
6 collected so far like 43 soil samples, eight grab water
7 samples. Grab water samples are kind of like taken --
8 pretty much by hand means close to the surface. And 19
9 wells were resampled out there in the Litigation Area.
10 And there's still work to do. We have two more
11 wells to sample out there in the Litigation Area and one
12 more of these groundwater grab samples. Hopefully that
13 will be done soon, like within the next week, finish
14 that fieldwork.
15 The Taylor Boulevard Bridge we had difficulty
16 in that we had an access -- an access problem, that our
17 consultant kind of inadvertently got access to the Tidal
18 Area when the Army really shouldn't have given it to
19 them. It had to do with -- they had ongoing operations
20 in the piers, and they wouldn't let Phillip on -- on the
21 site. And I got a call from Phillip, and then I found
22 out my consultant was being escorted off the site
23 because they didn't have the proper authorization. It
24 goes to show you --
25 MR. RAMSEY: The Navy really lost out that day,
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1 in other words.
2 MR. TYAHLA: Yeah, we -- we couldn't win. We
3 couldn't win.
4 So I found out what the proper procedure was,
5 instantly found out who the right person was to get
6 authorization from the Army.
7 And if you recall, the Army is a tenant
8 activity. They are a tenant activity of the Navy using
9 the Tidal Area part of the base, the piers and
10 everything. So I found out that the gentleman that is
11 in charge of giving the authorization for being on that
12 area is a gentleman whose name is Tom Gregory. But his
13 job is the force protection, slash, anti-terrorism
14 officer.
15 So having been in the military myself for a
16 long time and still in the reserve, yeah, you can't mess
17 with that. It's just like their word is god when it
18 comes to security.
19 So, that day I kind of drafted the procedure,
20 got his approval on it, and now the consultants and, you
21 know, the agencies as well are all getting access to the
22 Tidal Area sites.
23 And for the regulatory agencies, an action item
24 from our RPM meeting we had just days ago on the 28th,
25 I'm trying to make sure that every time we have the
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1 consultant doing work on the base that automatically I
2 will ask and probably no problem getting approval for
3 them for Laurent --
4 Is Laurent here?
5 MR. MEILLIER: Yeah, I'm here.
6 MR. TYAHLA: -- Jim Pinasco and Phillip Ramsey.
7 So every time the consultant is going to go out
8 there, at the same time I'll get a request so you guys
9 will get access to the Tidal Area. So, that was
10 something that came out of our RPM meeting.
11 But anyway -- so, that's some work we've been
12 doing at the Taylor Boulevard Bridge.
13 Since we got booted off the site there, we need
14 to get back to the Taylor Boulevard Bridge, which we
15 will hopefully finish that in November because that's
16 our next open opportunity to get in the Tidal Area,
17 starting like tomorrow and through the end of the month.
18 MR. MENESINI: Could you also use your
19 influence for the National Park Service who has a great
20 difficulty getting out to their monument at the -- at
21 the water site?
22 MR. TYAHLA: I heard that has a long history in
23 access with them, so I don't know.
24 But the basis is to get access on the Tidal
25 Area site of the base. When there is ongoing
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1 operations, meaning, you know, any kind of munitions
2 handling, it's like key personnel only. Everybody else
3 is, like, gone. And -- and they run their operations at
4 varying times, and, you know, there is really not, you
5 know, a lot of advance notice.
6 So for the Taylor Boulevard Bridge there is
7 still some work we need to do out there. There is
8 still -- in one day we managed to get three wells
9 installed, but we still need to go out and finish those
10 off, and then sample after they're developed and all
11 that sort of thing, and do some of the records because
12 one of the things we're doing with the Taylor Boulevard
13 Bridge is try to get the depth of the sampling -- the
14 depth of the waste rather.
15 Now, the other thing I want to go over,
16 actually, I meant to go over this last month, it's a
17 little -- it's a little dated, it's based on a report
18 that was put out in late September, and it's just an
19 overview of the sampling results we got from Site 31,
20 which is -- used to be called Area of Concern 1.
21 And it's out along Port Chicago Highway. And
22 to let you know where it is, it's -- Site 31 is here
23 (indicating). So, it's along Port Chicago Highway. And
24 as you go a little further down you run into -- oh,
25 gosh.
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1 MR. BOYER: Nichols Road.
2 MR. TYAHLA: Nichols Road. Thank you.
3 Somebody knows the area.
4 So you go down Nichols Road, and down in this
5 area is where the chemical pigment plant is and --
6 chemical pigment and also General Chemical. Give you an
7 idea where it is.
8 So this is just some highlights of the sampling
9 results, pure data dump that we got from additional
10 supplemental sampling that was done at this area mainly
11 to help support what is coming up next, which is going
12 to -- going to be a complete remedial investigation of
13 this site.
14 Now, swear to god, I did this more for my
15 benefit than for all of you, I swear, is to give me a
16 rundown of the history of the site.
17 So I'm just going to point out a couple
18 highlights here. You know, a lot of this -- it's a
19 handout, you can read it, but the sampling I'm talking
20 about was conducted in two events, in May and July, two
21 groundwater sampling events, was based on the Sampling
22 Analysis Plan. That's what a SAP is, if you forgot
23 that.
24 And that Sampling Analysis Plan was -- did two
25 things. It covered the sample way to do post Time
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1 Critical Removal Action, or TCRA, we like to call it,
2 and also the supplemental sampling activity. So this
3 groundwater work is part of the supplemental sampling we
4 did there to help support what information we would need
5 to guide where our remedial investigation would go. So,
6 it was done in two events.
7 The report, like I said, was issued in late
8 September. It was 25 September. The analytes included
9 metals, herbicides, pesticides, PCBs, and semi-volatile
10 organics. And the little different color here, the
11 blue, is the bottom-line results. What we found against
12 the screening criteria we used were elevated levels of
13 arsenic, mercury, and selenium. The biggest one that
14 really stood out being the arsenic level. And that's --
15 that's definitely going to be a focus item in the
16 remedial investigation.
17 So to give you an idea of the sense of the
18 schedule in our current Site Management Plan, the
19 schedule, the next thing due out for the site will be
20 actually the Remedial Investigation work plan, the RI
21 work plan, due 13 April.
22 So now click on the next site.
23 It might be hard to read this slide on this
24 chart. I know you hate when people say that, but it's
25 true. But in your handout you'll be able to see that.
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1 What really stands out the most to me -- I'll show you
2 in a moment the graph that shows where the wells are --
3 but monitoring well 3 where we had like over a thousand,
4 pretty steady numbers too, about 1100 to 1200 micrograms
5 per liter, it's parts per billion.
6 So if you're used to milligrams per liter, it
7 would be like one point something milligrams per liter,
8 but significantly way above the screening criteria,
9 which included Region 9 tap water PRG, Preliminary
10 Remediation Goal, also the national recommended water
11 quality criteria as well as, you know, maximum --
12 maximum contaminant levels.
13 Give you some perspective on that. The level
14 for arsenic is 10. We're at like 1200 out here. So,
15 obviously, arsenic has grabbed our attention at this
16 site.
17 Click the next one.
18 The other two -- well, the other two
19 contaminants on there were, like I said, the selenium
20 and mercury, but they weren't --
21 MR. SKAREDOFF: Excuse me, Steve. Are the
22 Region 9 data in the same units?
23 MR. TYAHLA: Yes, they are. They're all in the
24 same units, yeah.
25 MR. SKAREDOFF: So, much lower than everybody
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1 else.
2 MR. TYAHLA: Yeah.
3 So when you look at them, like I said,
4 arsenic's got our attention. Mercury and selenium are
5 the other two metals there that exceed it. But when you
6 really look at the numbers there, they don't -- they
7 don't maybe do this, you know, but they are something,
8 like, wow, what are we doing there at over a thousand?
9 This is just the edited table. There is
10 nothing here that exceeded, but the second page gives
11 you some footnotes to describe what some of those nice
12 little letters were in the fine print.
13 So the map of the site. The four wells we are
14 analyzing, got Port Chicago Highway here on the bottom,
15 so you're, you know, basically north up there and east,
16 west, south. The Contra Costa --
17 The Contra Costa County pump station for water
18 is right there. And this -- the brown there is part of
19 the site that's been excavated during our Time Critical
20 Removal Action, but the well locations, monitoring well
21 1, 2, 3, which had those very high hits of arsenic, and
22 4 -- 4 -- each time -- each round we went out there to
23 sample 4 has been dry.
24 And when you look at, you know, the depth it
25 was drilled to, it's dry because it's obviously not deep
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1 enough. But the depth it was picked at was based on
2 some preliminary data that we thought was the right
3 depth, turned out to be wrong.

4 So, what the Navy is going to do is use this
5 data we got from there to decide what we're really going
6 to need to do in the RI to assess groundwater in greater
7 detail.

8 So, that's it. Like I said, it's just a data
9 dump, and let you know where -- that we have that data
10 that's out in that report. Next job is going to be to
11 develop our remedial investigation work plan.

12 And I think I probably used up all my time.

13 I didn't. I'm good.

14 MS. WALLERSTEIN: There's another ten minutes.

15 MR. TYAHLA: That's all.

16 Any questions about that?

17 MR. McLEOD: My name is Dean McLeod.

18 How deep did they dig those wells?

19 MR. TYAHLA: I'm going by memory here, but
20 we're talking screen intervals down to about 22, 25.

21 MR. RAMSEY: Steve, want me to answer the
22 question?

23 MR. TYAHLA: Pardon?

24 MR. RAMSEY: Want me to answer it?

25 MR. TYAHLA: Do you have the number there?

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1 MR. RAMSEY: Yeah.

2 Actually, Dean, the wells are on Port Chicago
3 Highway. There is actually two depths because the
4 elevation of Port Chicago Highway is 20 foot higher than
5 it is as you get down to the north end of the property.
6 These wells -- so 1 and -- excuse me.

7 Yeah, 1 and 2 is probably -- they're closer to
8 40 feet. I think they're a little deeper than 40 feet,
9 then, because there is a 20 foot elevation difference.

10 Then you get down to the north end of the
11 property, which is lower, those wells were shallow. I
12 think they go to -- the one well that says 3 that was
13 installed is still in the water table. I think it's
14 like 20 something.

15 And then when they install the one well, which
16 is well 4, in a spent acid pond site, that's why I
17 believe they may have hit some little perched water
18 or -- a little perched water that may have been a
19 remnant of the pond -- bottom of the pond itself that
20 would still act like a little basin and catch moisture.
21 So, that well was installed way too shallow. They came
22 back, unveiled it, and it just dried up.

23 And we looked at depth differences. It looks
24 like it was probably 15 foot too shallow. So I believe
25 the spent acid pond well will be installed eventually

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1 because we did want four wells installed there and
2 monitored.

3 MR. TYAHLA: We do have a table here that --
4 the screen interval where you actually have your wells
5 screened at, and this is feet below ground surface.

6 Well 1 was 41 to 51. It's typically a ten-foot screen
7 interval. So 41 to 51 is the depth for monitoring
8 well 1. 2 was almost identical, 42 to 52. 3 was 19 to
9 29. But then monitoring well 4 was like 5.5 to 15.5.

10 But then, again, you know, keep in mind it's
11 not sea level. It does drop off, like Phillip said,
12 about 20 feet when you go towards the Bay.

13 MR. McLEOD: The other question I had was, are
14 you going to be able to go back to Union Oil for leaving
15 this really high level of toxic --

16 MR. TYAHLA: I'm not a lawyer, and I don't play
17 one on TV. No. Well, I think --

18 Well, I think -- the first part of our RI,
19 we're going to have to go and try to assess, you know,
20 typical RI, you know, extent and -- nature and extent of
21 contaminant. So until we probably would really come up
22 with some kind of strong evidence to say, well, it's not
23 ours, or it sure looks like it's coming from here,
24 that's when I would get our counsel involved, say here's
25 what we have. Until now, I mean, we're -- I mean, this

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1 is to me preliminary information.

2 I'm sure our -- I'm sure our lawyer's going to
3 tell me, yeah, we can go present the case. And another
4 interesting thing that the lawyers will always ask us
5 too, you know, what kind of costs might be involved too.

6 But that's kind of a bridge we'll cross when we
7 come to it, but it's a good point.

8 MR. McLEOD: Well, that -- that level of
9 arsenic seems so incredibly high.

10 MR. TYAHLA: Yeah, I think there's some
11 groundwater flow direction issues that have got to get
12 ironed out too. I think the water levels we saw are not
13 a constant direction, so we got to, like, work that out.
14 And that fourth well, like Phillip said, that's really
15 needed.

16 Any other questions?

17 Thanks for the questions.

18 MR. SKAREDOFF: Just for my clarification, the
19 remedial investigation is going to try to define the
20 extent of this plume?

21 MR. TYAHLA: I would anticipate so.

22 MR. RAMSEY: Igor, I mean, they're -- what
23 we've been doing is pre-RI work, essentially. Some of
24 the stuff was -- it was all considered the site
25 inspection, which is pre RI.

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1 We were trying to get the Navy to be as
2 comprehensive as possible, but we're still going to have
3 to come back with a remedial investigation work plan
4 that may have likely some additional soil -- still some
5 more soils work to be done, and then to continue the
6 groundwater monitoring and decide if there is any other
7 groundwater assessments that have to be done, more wells
8 or not.
9 And that work plan, I don't know, it's coming
10 up. I think that's for next year, though, so. . . .
11 MR. TYAHLA: Yeah, 13 April.
12 MS. WALLERSTEIN: Hear from other agencies.
13 Laurent?
14 MR. MEILLIER: Sure. I mean, Phillip, go
15 ahead.
16 I mean, usually EPA goes first.
17 MR. COOPER: Give it to him.
18 MR. RAMSEY: No. That's fine, Laurent. Happy
19 to take the lead. That's fine. My pleasure.
20 Give me a rough idea, Mary Lou. Do I have
21 three minutes, four minutes?
22 MS. WALLERSTEIN: Well, we're overtime already.
23 MS. WILLIAMS: Just do it.
24 MS. WALLERSTEIN: As fast as you can.
25 MR. RAMSEY: Well, I was trying to be like

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1 Steve, as brief as possible, we have two presenters, one
2 here with what the TAPP contractors have been doing.
3 This month I was very busy. I provided copies
4 of my letters this month.
5 I just want to emphasize there are really --
6 written several -- lots of correspondence to the Navy
7 this month. I just want to emphasize two primary
8 letters that I have written. One was just issued last
9 Thursday, October 30th, my comments on the Tidal Area
10 sites RI.
11 And I'll talk just a few minutes about that.
12 Really quickly, just kind of stepping back on the
13 chronology, also in the middle of the month of October I
14 provided comments on -- this is a -- would have been the
15 August 18th Draft Sampling Plan for Site 22, which was
16 now the expanded Magazine Area, the assessment of soil.
17 So I provided comments on that Draft Sampling plan.
18 And then probably less significant, back on the
19 9th I believe I had some comments on the groundwater
20 report that was for the -- Sites 13 and 22, which was
21 the sampling of groundwater for perchlorate.
22 I just had a couple of brief comments about
23 some -- adding some regulatory input and strategies,
24 kind of, that's been worked out for those two sites to
25 make that report complete. That was pretty minor.

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1 That's the 9th letter, I believe, October 9th.
2 Real quickly, again, comments on this Site 22
3 SAP. EPA had some fairly significant comments on the
4 Draft Sampling Plan to assess approximately 500 acres
5 now of the Inland Area and Magazine Area that was now
6 kind of again as part of this larger expanded Site 22
7 study area that has primarily been driven by assessment
8 of arsenic.
9 So EPA has raised some questions. We think
10 we've gotten a good start with the Navy, but we have
11 still some fairly significant comments regarding the
12 adequacy of the sampling, the completeness of the site
13 audit.
14 I think consistent with -- Peter has raised
15 issues about munitions handling. We are wondering now
16 in terms of the site histories. Before we just proceed
17 too blindly looking for only arsenic and pesticides we
18 want to make sure that the munitions area and any other
19 waste -- other chemical waste handling practices are
20 being considered before we just proceed with this one
21 study focusing only on arsenic.
22 And we've had some -- quite a few discussions
23 with the Navy over the past about munitions and special
24 munitions and discussions with their Munitions Response
25 Program, and, you know, questions about how these are

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1 going to be coordinated.
2 And just, again, we want to be as
3 comprehensive -- we don't want to just go through that
4 study, do one series of investigations focusing too much
5 on arsenic and missing other site usages that may have
6 occurred in these areas. We can't have a big study like
7 that and only focus on one set of contaminants. We need
8 to understand the history of those sites and what other
9 kinds of chemicals and things were assessed.
10 I also, real quickly, raised some issues just
11 about the questions, which are called Data Quality
12 Objective Process, for assessing these sampling plans.
13 We feel there are some other important questions that
14 need to be asked regarding how the boundaries were being
15 established and things like that so that we can finish
16 the study and have sufficient information to be able to
17 proceed and complete a Feasibility Study for this larger
18 Site 22 that will assess a number of different action
19 alternatives.
20 And I mention those in my letter. Those
21 include four issues right now for this arsenic in soil.
22 There could be remedial actions such as solidification,
23 stabilization or excavation and backfilling, or the
24 obvious institutional controls.
25 So we need to make sure that we're doing this.

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1 We're filling this -- the data gaps we're filling will
2 answer these questions regarding these
3 alternative anal- -- alternative actions. They'll be
4 analyzed in the Feasibility Study. So, that's Site 22.
5 And then just again, lastly, last letter sent
6 out last Thursday, long overdue, been working on this
7 thing for quite awhile, this is EPA's comments on the
8 Navy's version of the Tidal Area Sites Remedial
9 Investigation. And this was an August 8th version that
10 they had referred to as officially a Revised Draft
11 Final, so again, a re-done draft final version. The
12 previous draft final version was 1999.
13 We had asked the Navy back in early October to,
14 one, we need an extension on our review, and the other
15 component of our request was that the Navy change that
16 version and reclassify it from a revised draft final to
17 a draft because of the long history that these Tidal
18 Area sites have spanned, the complexity. There is lots
19 of history, lots of regulatory comments over the years.
20 And this is, again, the Tidal Area Sites 2, 9,
21 and 11. These are the sites that are around the
22 landfill. But it's the other landfill, Site 2, which is
23 R Area Disposal Site and the Wood Hogger Site and the
24 Taylor Road Sites.
25 So this document -- it's a relatively longer

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1 letter. So most of the time for regulatory agencies or
2 the public, the more pages we write typically means the
3 more concerns, there is more issues.
4 And without taking too much time, just want to
5 emphasize that we do have quite a few major comments. I
6 know in the past we've tried to go through the details.
7 And since we haven't really made specific time, I won't
8 drag this out. But, again, there are a number of major
9 comments we have regarding the adequacy of the work
10 that's been done to date. We still have some questions
11 regarding the need for additional samples and a specific
12 number of, you know, specific areas on essentially all
13 three of these sites.
14 In particular we have lots of concerns about
15 the other disposal site, the Site 2 R area, which was
16 essentially the military's munition disposal and
17 probably inert -- there's all kinds of other munition
18 materials, metal scrapings and other probably
19 container-type materials, but there may have been
20 military munition wastes also disposed there.
21 So we're really concerned about the Navy's
22 conclusions in that draft -- Revised Draft Final RI that
23 there was acceptable risks. They had proposed a no
24 further action for those three sites. And both U.S. EPA
25 and speaking for -- I know I saw -- I've seen the Fish

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1 and Game comments, Laurent -- I believe the state and
2 EPA are all unanimous in having concerns and
3 disagreement with the Navy about the risks and their
4 recommendation for no further action.
5 So we're hoping to be able to continue to work
6 with the Navy, sit down and talk about the specific
7 areas that we feel the Navy should be a little bit more
8 open minded to additional characterization work, and
9 potentially even some kind of removal or remedial
10 actions to get these contaminated soils assessed.
11 There is issues about surface water
12 measurements that still need to be done. Lots of
13 additional assessments. Groundwater assessments are
14 still a big question. A number of things we need to
15 work with the Navy on.
16 So without taking more time, I have copies of
17 my letter here. Folks are welcome. You know, there is
18 lots of specific comments, but you can just kind of get
19 through some of the first general -- I have a major and
20 general comments section in my letter, so you can kind
21 of get through the bigger comments without necessarily
22 having to get through the whole thing.
23 And that's I think it for at least my time.
24 Thank you for your time. If you have any questions, I'd
25 be happy to answer them.

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1 MR. PINASCO: Phillip, I'll interject right
2 now, DTSC is soliciting comments from other agencies.
3 We're putting a package together probably at the end of
4 this week or shortly thereafter. Actually, the Fish and
5 Game comments were a part of that package. So, there
6 are more comments from the RI coming.
7 MS. WALLERSTEIN: We have a question over here.
8 MR. McLEOD: Phillip, what did you say those
9 site numbers were again?
10 MR. RAMSEY: This is the -- the Tidal Area
11 sites. It's 2, 9, and 11.
12 MR. McLEOD: What's the date of your letter?
13 MR. RAMSEY: The date of my letter is
14 October 30th. I have a copy here if you'd like.
15 MR. McLEOD: Thanks.
16 MR. MEILLIER: Laurent for the Water Board.
17 Aside from all the meetings that Steve
18 mentioned, we did not have a UST RPM meeting this month.
19 We had one I believe in the earlier part of the month
20 just before the RAB, early part of October.
21 But Board staff met with my supervisor to talk
22 about the ROD, the Site 1 ROD on Friday, and we still
23 have some, you know, contentious issues with the Navy on
24 this ROD. And my supervisor indicated that there is a
25 possibility that we might write a concurrence letter

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1 that stipulates some conditions. So, it would be a
2 conditional concurrence letter; it would not be a
3 concurrence letter on the ROD if those issues are not
4 resolved between the Navy and the Board.

5 In terms of correspondence, and if you are
6 interested also about those -- I mean, if the public is
7 interested on the specific issues that Board staff is
8 currently working with the Navy on resolving, I can
9 present them to you as well.

10 In terms of correspondence, Board staff issued
11 three letters of comments. The first one on the RI for
12 the Tidal Area Sites 2, 9, and 11; the next one on the
13 Site 22 SAP addendum; and the third one on the
14 groundwater sampling for Site 13 and 22.

15 And that's about it for my update.

16 MR. SKAREDOFF: Laurent, would you mind maybe
17 giving us little highlights of what the issues were on
18 that first --

19 MR. MEILLIER: Sure.

20 So the first issue is on the potential
21 production and the estimation of the production of the
22 landfill for gas -- gas production such as methane or
23 other VOCs. And the issue is the fact that, you know,
24 they are actually gathering samples across the state for
25 landfills that have had significant amount of gas

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1 increase of those production of the gases, and the gas
2 was basically, you know, impairing the cap and also
3 migrating to the neighborhood.

4 So even the studies -- so my point here is even
5 potentially a study that would bring a negative result
6 to the potential of gas emanation might not even be
7 sufficient enough.

8 Another issue has been the characterization of
9 the hydroconductivity of the native geologic material
10 found beneath the waste. And in the regulation in
11 Title 27 there is a relationship between the -- that is
12 stipulated between the hydroconductivity of the native
13 geologic material and the hydroconductivity of the cap.

14 And it's important that the Navy characterize
15 the hydroconductivity of the native material in order
16 for them to tailor the hydroconductivity of the cap
17 because what you don't want to happen is the bath -- the
18 bathtub effect where the hydroconductivity of the native
19 material is basically less than the hydroconductivity of
20 the cap, and the water will collect and that, you know,
21 will increase the potential for leachate generation.

22 So in the --

23 MR. SKAREDOFF: I'm sorry. I didn't quite
24 follow you there. You have a cap over the native
25 material and that has something to do with how well the

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1 generation, and in some cases that -- also in some cases
2 have impaired the cap and a very -- very important.

3 MR. SKAREDOFF: Gas breaking through the cap?

4 MR. MEILLIER: That's right, and impairing the
5 cap or migrating through the neighborhood.

6 Like, for example, for the Site 26 at Hamilton
7 where basically it could upflow and, you know, gases
8 could migrate into a neighborhood and -- and potentially
9 exposing habitants to those -- to those gases.

10 So, you know, for Board staff it's important
11 that the Navy either provides adequate set of data
12 across, you know, an expanded period of time, which is
13 going to be difficult if we are to start the cap next
14 year or at least in the close future, or what -- what
15 Board staff has recommended is that they implement a gas
16 collection system within the design of the cap, you
17 know, assuming that the cap would emanate a significant
18 amount of gas. And it's -- even has been found --

19 After talking to my supervisor, he even told me
20 there have been cases where -- and, actually, where it
21 was -- where a study had been made, and, you know, the
22 emanation potential of those gases were not very
23 significant, and so they decided not to put gas
24 extraction and gas monitoring there, but then after
25 implementing the cap there was -- you know, there was an

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1 cap allows water to percolate through it compared to the
2 native material?

3 MR. MEILLIER: Exactly. There is a relation
4 between those two, those two hydroconductivities.

5 MR. SKAREDOFF: And how would this bathtub
6 effect then work?

7 MR. MEILLIER: For example, the
8 hydroconductivity of the native geological material is
9 less than, meaning by that it's less conductive.

10 MR. SKAREDOFF: So if the cap allows water
11 through, but then it's captured by the native
12 material --

13 MR. MEILLIER: Exactly, yeah.

14 MR. SKAREDOFF: I see.

15 MR. MEILLIER: So you -- what you want is you
16 want the hydroconductivity of the cap to be less or
17 equal to the hydroconductivity of the native geologic
18 material.

19 And so, it's important to enforce that the Navy
20 characterize that, that value. And, you know, in their
21 proposed changes they are not putting the whole
22 statement of Title 27 which stipulates that
23 relationship, so it's a concern to Board staff.

24 And another issue has been the leachate
25 generation. It's very -- you know, I guess we don't

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1 want more leachate to leave the Site 1 footprint. We
2 want the leachates to stay within that footprint or
3 landfill footprint and be treated -- and not be treated
4 outside of that -- of that footprint. And so, that
5 needs to be also stated in the -- in the ROD.
6 And, lastly, the Navy needs to also state in
7 the ROD that they have considered the San Francisco Bay
8 Regional Water Quality Control Board basin plan as an
9 ARAR and why they would not include them in that current
10 document.
11 Those are the points of contention. And so I
12 guess, you know, after meeting with the supervisor, what
13 he said is that, you know, we have to -- if some of
14 those points are going to be resolved, we would have to,
15 you know, write a letter of concurrence and then
16 stipulate the points that have not been resolved, so
17 that it would be a conditional letter of concurrence.
18 So, that's -- to answer your question.
19 I'm done.
20 MR. SKAREDOFF: I guess I'm puzzled a little
21 bit. I'm not sure I got it all straight. But I got the
22 impression initially that mainly the conflict
23 resolution, some technical wording, wordsmithing on
24 this, but it sounds like we've got some contentious
25 issues here that have some substance to them.

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1 MR. TYAHLA: Well, if I could just -- quickly
2 just chime in on a couple of those issues. I just took
3 some quick notes here.
4 Regarding the landfill gas, the Navy had agreed
5 awhile ago that during the design we will be testing for
6 landfill gas. And in recent conversations with our
7 designer and with the people actually likely to
8 construct the landfill, it's very likely that regardless
9 of what we see in that kind of design testing for
10 landfill gas, it will probably include some kind of at
11 least passive venting so that we don't have that issue,
12 so you have some control over where landfill gas would
13 emanate. So I mean --
14 Because Laurent -- Laurent brings up a really
15 good point. What if you go and you test for it, and for
16 some reason you don't see much, and it generates later?
17 MR. SKAREDOFF: Sure. It's been accumulating
18 over a long time.
19 MR. TYAHLA: And, actually, part of my plan for
20 the cover cap design is going to include getting the
21 people likely to build the thing in with the designer
22 before the design gets done. So I did construction, so
23 I want to make sure that happens.
24 On the hydraulic conductivity beneath the
25 waste, the thing's overlying Bay mud, which has been a

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1 really, really, really low conductivity, and we'll have
2 to, like, get back with how we're going to address that
3 comment because we're looking at the resolution, say,
4 and what -- and this is getting technical -- ten to the
5 minus six centimeters per second, kind of like
6 conductivity in the cover or less or -- or less than or
7 equal to what is underlying so you can avoid that
8 effect.
9 So we need to look into how technically
10 feasible it is to either meet that criteria and to
11 measure it at the site. So, it's not -- it sounds like
12 a good -- it sounds like the right thing to do. The
13 regulation's written like that. So, it could be a
14 matter of the fuel denigrating too. So, there could be
15 a lot of players involved in that.
16 MR. SKAREDOFF: Is it going to be hard to make
17 a cap that has a low enough conductivity?
18 MR. TYAHLA: It'll be more difficult to assess
19 what it is beneath it, what is actually beneath it, what
20 is that comment going to be. But we haven't -- you
21 know, we have to come up with a good response of how
22 we're really going to tackle that.
23 MR. BOYER: Didn't the geology guy that was
24 here a couple months ago say that the cap that was the
25 presumptive cap, it's about the same as the Bay mud? I

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1 remember him saying something like that.
2 MR. TYAHLA: That's true. But that might be
3 based on like existing data we know about Bay mud, but
4 if -- depending on how you read the regulations, you
5 have to actually physically go check that with the site,
6 that may be a little different because it may vary
7 because of -- the conductivity may vary. But on the
8 hydraulic --
9 On the leachate generation, one of the things
10 that we kind of agreed you can do is pull out totally
11 dealing with groundwater from this ROD. So this ROD
12 does not deal with groundwater. There's going to be
13 another -- additional groundwater study assessed at
14 Site 1 and then additional, like, following the process
15 for how we have to deal with groundwater results when we
16 meet for the groundwater ROD. If you remember, the ROD
17 pitch I gave made that pretty clear.
18 MR. SKAREDOFF: I'm sorry, Steve. A little bit
19 of an intricate thing to follow. I'm sure I missed some
20 of the turns back there.
21 MR. TYAHLA: What I was talking about is one of
22 the Board's concerns -- one of the Board's concerns
23 about leachate generation. Well, leachate is something
24 that's -- it's underground. It's essentially going to
25 be groundwater at the site.

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1 Well, we aren't dealing with groundwater in
2 this ROD. We're totally going to do a separate
3 groundwater study, assess what information we now have
4 about the site, decide what additional work we have to
5 do at that site with respect to groundwater, come up
6 with its probably own RI or supplemental RI, whatever we
7 need to do, ultimately just to have a ROD for
8 groundwater. So -- so I'm not -- so, it's -- leachate
9 won't get addressed in this ROD. It's going to be
10 addressed in the groundwater ROD.

11 MR. SKAREDOFF: So we're going to do a
12 groundwater process and come up with a Record of
13 Decision on groundwater?

14 MR. TYAHLA: Yeah.

15 MR. SKAREDOFF: And I take it before anything's
16 done on the site both of those would be completed so
17 that the remedial action will take care of both of those
18 issues.

19 MR. TYAHLA: Not necessarily. The groundwater
20 could follow later.

21 MR. RAMSEY: I mean, this is -- this is why
22 we're -- we're having problems.

23 Two years ago when we got the first ROD, and it
24 was actually EPA's recommendation to proceed with the
25 surface containment cap portion because that's something

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1 we actually saw. We were generally supportive of that
2 remedy. We had worked two issues two years ago, that
3 was the institutional controls and the ARARs. This is
4 the EPA terminology, CERCLA terminology about the
5 applic- -- applicable -- applicability or relevant and
6 appropriateness of these laws. You know, it's how you
7 pick the laws. That's why --

8 You mentioned, Igor, there are still -- there
9 are still -- we're still going through a number of the
10 specific closure laws that apply to this military
11 municipal landfill. There is laws that deal with the
12 methane monitoring and closure plans and all these
13 things.

14 We've got through some of the major ones that
15 deal with the containment cap. That's the prescriptive
16 cap design. Those are actually pretty -- we've got
17 through those. Now we're just dealing with a few kind
18 of remainder -- remaining ARARs.

19 MR. SKAREDOFF: I'm getting a sense, maybe,
20 that the important thing is to try to get moving on this
21 and get a cap in place and kind of tie up some of the
22 loose ends.

23 MR. RAMSEY: Right. Because like last year
24 when we were trying to go through the dispute resolution
25 with the Navy, you know, probably -- it was

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1 approximately this time last year, there was money that
2 was -- had already been in the work to do the
3 containment cap because we could not resolve the ROD.
4 That money was lost, and we've been able -- we've
5 delayed the construction.

6 And so we're trying to do it. We're on the
7 second push to get this ROD, again, you know, signed,
8 approved. It was a ROD that was started in 1999.
9 That's a long time ago for a ROD to go through.

10 MR. SKAREDOFF: I agree. I'm with you. So we
11 ought move along the best we can.

12 I -- just my sort of underlying concern here,
13 what if the groundwater study finds out something that
14 may be contrary to the assumptions that were made and --

15 MR. TYAHLA: Well, in all likelihood, as part
16 of the -- you know, one of the things the cap does is
17 source control and -- and alleviating at a minimum, you
18 know, how much leachate you're going to generate. As
19 far as groundwater being an issue, it's probably the
20 smartest thing you're going to do anyway.

21 But the issue may be if you find groundwater
22 super nasty and you want to do something with it
23 physically, and we have to incorporate that later on
24 into the design. We'll probably keep it in the back of
25 our mind during the design, but that doesn't mean we

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1 can't proceed with the design, and then deal with it
2 later. But that's a good question, though.

3 MR. SKAREDOFF: One of the --

4 Just from my own perspective, one of the
5 concerns I would have about Site 1 is this sort of a
6 site action, water coming up alongside it from the
7 slough, comings and goings with every tidal movement.
8 Is the prescriptive -- is the remedy that's in the
9 ROD -- does it address that?

10 MR. TYAHLA: Well, it's funny you should ask
11 that because I met the other day with -- with the
12 contractor. He's likely to be the one to build the
13 thing because we have contracted with them to do the
14 work plans for construction. And their engineer brought
15 that exact issue up and came up with a concept that
16 would potentially change how we would design the thing
17 around -- you know, around the toe of the landfill or
18 whatever you want to call it.

19 And that's one of the things I'll definitely
20 bring up, you know, during my kickoff of the design.
21 It's a very good point. That's been one of my concerns
22 too.

23 MR. SKAREDOFF: Very nice we're --

24 MR. TYAHLA: Just don't tell my wife.

25 MS. WALLERSTEIN: Okay. Is that it?

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1 MR. PINASCO: Site 22 stuff that we're putting
2 together, the ARARs, Site 1 ARARs, and just small draft
3 comments for the -- the Site 22 SAP that are somewhat in
4 line with what EPA produced.
5 MS. WALLERSTEIN: Okay.
6 MR. SKAREDOFF: Oh, excuse me. Can I make a
7 comment on the Site 22?
8 I looked over the map showing where the sample
9 points were projected to be for the sampling plan, and I
10 notice it's not very far from there is where the
11 Contra Costa Canal comes through. And I wonder if it
12 might be worthwhile to include several sample sites on
13 the boundaries of Contra Costa Canal just for background
14 information, if nothing else.
15 I mean, that thing supplies water to me and to
16 a lot of other people. And since we're looking at
17 arsenic in the ground generally, it may have been
18 inadvertently applied along the boundaries there for
19 controls. So I guess if we don't find any, I'd
20 certainly be glad.
21 MS. WALLERSTEIN: We can certainly look at
22 that.
23 MR. TYAHLA: Well, one of the things --
24 Well, had a couple of meetings about some of
25 those topics that the Navy and the agencies have already

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1 arranged meetings to discuss like early on, and Site 22,
2 the work plan, is one of them. As a matter of fact, I'm
3 just going to poke in my Palm Pilot here and make a note
4 about that comment.
5 And I do have your E-mail here. So, that's a
6 good point.
7 MR. SKAREDOFF: Thanks.
8 MS. WALLERSTEIN: Okay. We're way overtime.
9 We're due for a break.
10 I did have the agenda for next meeting. And
11 the presentation for the next meeting was going to
12 complete the training. We're going to propose to have
13 Tetra Tech do the fate and transport training.
14 I understand that Patrick Lynch has an
15 additional presentation to do, and I was going to
16 suggest that we do that in February.
17 Okay. Can we have a motion on that and vote?
18 MR. RAMSEY: Margaret, the fate and transport
19 or whatever, that was January, wasn't it? It's February
20 now?
21 MS. WALLERSTEIN: No. I may have misstated.
22 Fate and transport in January --
23 MR. RAMSEY: Okay.
24 MS. WALLERSTEIN: -- and then Patrick Lynch's
25 presentation in February.

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1 And we'll still put out draft agendas for
2 everybody to approve, but I just wanted to get that on
3 the record that that was the plan for the next two
4 meetings.
5 MR. RAMSEY: Is Patrick --
6 Are you going to say something tonight, or is
7 this in addition?
8 MR. LYNCH: Yeah, this is in addition. I have
9 two -- two reports I prepared.
10 MR. SKAREDOFF: Would it be feasible to reverse
11 that and have Patrick's presentations earlier and the
12 training later? Does that work?
13 MS. WALLERSTEIN: If the RAB wants to do that.
14 My feeling was to go ahead with the fate and transport
15 because we have quite a few top- -- we have quite a few
16 reports coming out over the next year starting in
17 February. So my feeling was to complete the training
18 and then move on with Patrick's second report.
19 MR. SKAREDOFF: Then I guess I would ask
20 Patrick.
21 MS. WALLERSTEIN: You can flip them if you
22 want.
23 MR. SKAREDOFF: If he's okay with that, I'm
24 okay.
25 MR. STRAUSS: What was that?

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1 MS. WALLERSTEIN: The next agenda, January
2 we're doing a fate and transport training by Tetra Tech,
3 and then Patrick Lynch will do his second presentation
4 in February.
5 Do I have a motion on that?
6 MR. BOYER: I'll make the motion.
7 MS. WALLERSTEIN: Second?
8 MS. WILLIAMS: I'll second it.
9 MS. WALLERSTEIN: All in favor?
10 THE BOARD: Aye.
11 MS. WALLERSTEIN: Motion carried.
12 All right. Let's take our break now. We'll
13 come back in ten minutes, and then we'll start with the
14 presentations.
15 I would like to propose that we break again at
16 8:30 sharp. If we still have questions and answers at
17 the end of the presentation, I hope presenters can be
18 available during the second break, and then we can
19 reconvene if -- if we need to continue.
20 Does that sound okay?
21 So we'll take a ten-minute break. We'll be
22 back at 7:45 sharp.
23 (Recess from 7:34 p.m. to 7:47 p.m.)
24 MR. SKAREDOFF: Mary Lou, before we get
25 started, I would like to make a correction to something

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1 I said in the first half of the meeting where I talked
2 about the canal near these places we're going to be
3 testing for arsenic. That was incorrect.
4 I looked more closely at the map with Phillip's
5 help, and I found out it's not the canal. It's Diablo
6 or Seal Creek that runs past there. And so the concern
7 wouldn't be so much it's getting in our drinking water
8 as it would perhaps be getting into the environmental --
9 environment, habitat.
10 MS. WILLIAMS: Well, if you've been drinking in
11 arsenic for all these years, I guess you're safe, if it
12 was the canal.
13 MS. BYRNE: It grows mustaches.
14 MR. RAMSEY: Mary Lou, I would respond that the
15 water in the canal is raw water that goes to a
16 filtration plant, and that water has to meet drinking
17 water standards at the tap. So I believe that --
18 MR. SKAREDOFF: It is tested for arsenic by the
19 water district, but the process does not specifically
20 clean up water for arsenic.
21 MR. RAMSEY: No. They would know if -- if they
22 had -- like some of the other states in the west,
23 Nevada, they had elevated arsenic, the water treatment
24 plant would not deal with it, correct, but they do test
25 it to verify that they're meeting --

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1 MR. SKAREDOFF: They're not finding arsenic --
2 I'm not saying that, you know, we know there's
3 arsenic. I'm not saying that there is arsenic in the
4 water; okay? Let's just be clear about that. Don't
5 know.
6 MS. WALLERSTEIN: Okay. I guess with that
7 we'll move to our presentations and Peter Strauss.
8 MR. STRAUSS: Hello again.
9 Before I start, I received an E-mail from
10 Mary Lou asking me if my recommendations carry any
11 authority, and the simple answer is no. I'm an advisor
12 to the advisory board, and there is -- there is no legal
13 weight that my recommendations have with the exception
14 that it's a -- this is a Superfund site, and there are
15 nine criteria for which a -- a remedy is selected, and
16 one of those criteria is community acceptance.
17 So in my -- my experience has been if the
18 community makes enough of a case to the regulatory
19 community and to the Navy, that there might be some
20 adaptation.
21 I wanted to put this up just for background,
22 not to embarrass Steve. I really wanted to -- to make
23 sure that this -- this is not to -- because this is my
24 last appearance at the RAB, and I wanted to leave you
25 with these because these have not been answered yet.

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1 So. . . .
2 And as Phillip was saying before, I had
3 questions about the processes that go on here, and those
4 are sort of the major concern about the conceptual --
5 having a conceptual model by which to evaluate these
6 things. It's very important.
7 And some of this information is really needed
8 from -- from my perspective to have a good conceptual
9 model. I'm sure there is many more questions that can
10 be asked.
11 And I'm not going to go through these. I'm not
12 going to read them to you. I guess everybody can read.
13 If anybody has any questions about these questions, but
14 I just wanted to make sure that this is -- this is left
15 with the RAB.
16 I'm going to give my presentation the same way
17 I did the Site 13 and Site 22. I'm going to essentially
18 put up bullets that are a summary of the concerns that I
19 raised in each of these reports. And not so much for me
20 to speak about them, but for anybody to ask questions
21 about them.
22 This is the SWMUs. And I always think that I'm
23 in a cartoon when I say that word.
24 MR. SKAREDOFF: Have to be a certain age to
25 remember that cartoon.

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1 MR. STRAUSS: You know, that's not true.
2 That's not true. My daughter had the Shmoos also.
3 But I said here that my -- my biggest concern
4 in the RI here is there is a -- is a predilection
5 towards natural attenuation, recommending, actually, a
6 focused FS on natural attenuation, that that would
7 include natural attenuation and no action.
8 And I think that that's a -- it's not only
9 problematic for -- for me and many of the communities
10 that I've worked with. Some people view that as a -- as
11 a no action. It's not -- it's not -- it's really not no
12 action, but I think that you have to have a significant
13 amount of biodegradation to actually think of this as --
14 as an action. If it's just aspersion or diffusion in
15 the environment, I don't think that it's a remedy
16 that -- that should be approved.
17 As well the -- the VOCs for which this is
18 proposed, although for petroleum sites natural
19 attenuation seems to be working better than for VOC
20 sites. For VOC sites, that's Volatile Organic
21 Compounds, it's estimated only 20 percent of the sites
22 will natural attenuation be a good remedy.
23 And the remedial investigation concludes that
24 the levels of contaminants are stable. And to me that
25 suggests that -- what are we talking about? I mean,

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1 there is some degradation. There is some degradation
2 products that are detected, but I think that the RAB,
3 and I hope that the regulators are on top of this.
4 The second point really is a reference to
5 the -- the letter that I sent. I -- I really think that
6 there is a -- there is a -- there is a need for a -- for
7 a good history of the site, you know, how things were
8 transported, how they were -- if things were -- at
9 Site 22 it was -- I always had the question, you know,
10 if you had perchlorate in the groundwater, did you get
11 it from missiles? Did you unload the fuel at some point
12 and put it back, and was there a transference?
13 And some of that is -- I'm just ignorant on,
14 and I just don't know the -- the processes, but I think
15 that that needs to be -- I think the BPA also has a
16 similar comment on the SWMUS.
17 I think point No. 3 the Navy has agreed to do
18 much of what I would -- what I would recommend.
19 I wanted to point out that the bottom bullet,
20 at Moffett Field there were agreed-upon cleanup levels
21 for diesel and TPH, gasoline, and you might want to
22 reference those.
23 I'm just changing this. If nobody is asking
24 any questions, I'm going to talk.
25 I think that is a -- that this is a problem

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1 with the -- with the RI for the SWMUS is that
2 contaminants were not measured in Seal Creek, and they
3 are somehow inferred by groundwater.
4 The Navy has a response to that. I mean, you
5 know, to give credit, there is a -- there is a -- there
6 is a response, but I think that it's -- it's such a
7 critical pathway for contaminants to enter the
8 environment that I think that it's -- that at least
9 monitoring should be done in the future of contaminants
10 in Seal Creek.
11 MS. BYRNE: Can you show where Seal Creek is on
12 the map?
13 MR. STRAUSS: I'm not sure I can.
14 MS. BYRNE: What area? Is it all the tidal
15 or --
16 MR. STRAUSS: Well, I think --
17 MR. McLEOD: It runs along the edge of Clyde.
18 MR. RAMSEY: It goes all the way up --
19 Can you see this okay, Ms. Byrne?
20 MS. BYRNE: Yeah, uh-huh.
21 MR. RAMSEY: It crosses --
22 This is Bailey Road. It's coming off through
23 this other area of brevements coming in from probably
24 Marsh Creek or something. It goes right up the middle
25 of this whole Magazine Area or the middle of the valley.

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1 It's really -- well, actually, it's kind of parallel.
2 This is Kinne Boulevard. It does parallel Kinne
3 Boulevard, essentially, and it crosses --
4 These are the SWMUS sites that Peter is
5 referring to, and Seal Creek runs just right between the
6 golf course and the base and all of the housing, some of
7 the administrative buildings and things like that, and
8 then it crosses right by the gate. It crosses over and
9 then heads out into the Hastings Marsh Area, I guess.
10 MS. BYRNE: Thank you.
11 MR. SKAREDOFF: So, it doesn't run through the
12 Tidal Area?
13 MR. RAMSEY: It hits the Seal Creek marsh,
14 which is the Taylor Boulevard Bridge site, and then it's
15 kind of multi marsh areas. I'm not exactly sure how
16 surface water flows once it gets into a bigger marsh
17 system.
18 MR. STRAUSS: Maybe Patrick can add to that, if
19 you have information on Seal Creek.
20 MR. RAMSEY: It's probably -- it's just
21 difficult to like follow the course. I guess we can
22 look at aerials. We can probably see it, I imagine.
23 Igor, most of those areas are not directly
24 accessible. As you walk down by the creek in the
25 summertime, most of that's fairly dry. We have been

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1 down in Seal Creek at the SWMUS sites before in the
2 summer, and it's essentially a dry bed. There can be
3 some little pools of surface water, you know, stagnant
4 water. It's probably groundwater, you know, just -- you
5 know, what -- you know, on the surface or something like
6 that.
7 Winter you got flows. Summertime it's
8 generally not flowing.
9 MR. STRAUSS: And for Site 17, which is a --
10 the ROD had a -- recommended no further action. I think
11 that there is -- from reading the documents, and I had a
12 conversation with Phillip about this today, and maybe
13 it's a mistake the way that the document is -- is
14 worded, but the -- there is a sump that was located on
15 the southeast corner of -- of this building that was
16 reported. And the Navy has looked for it, but they
17 looked for it further away than the southeast corner of
18 this -- this particular building.
19 And I wanted to point this out because I'm --
20 I'm concerned that during the site investigation when
21 that was -- when that was looked at, I think that was
22 1993, that there might be some -- some different
23 information that came in during that time.
24 And so I only see one sample, one ground
25 soil -- one soil sample on the eastern side of building

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1 IA-24 and one groundwater sample south of that. There
2 are many other samples taken in a different location.
3 So I wanted to point that out to make sure
4 that this is -- and I'm sure that the Navy is going to
5 respond, and then I'll amend this if it needs to be
6 amended.
7 MR. SKAREDOFF: Peter, that's Site 17, that's
8 where they did maintenance on the forklifts?
9 MR. STRAUSS: Yes, and that's where the battery
10 acid sump was, and that's the missing battery acid sump.
11 MR. SKAREDOFF: That's what we're talking
12 about?
13 MR. STRAUSS: Yeah.
14 MR. SKAREDOFF: So the concern there would be
15 acidity and lead, perhaps?
16 MR. STRAUSS: Yes, lead.
17 There would be -- you know, where we would find
18 that. I mean, they -- they -- they dumped approximately
19 one battery per day, the acid, into -- into the sump
20 until 1974. I believe from the 1940s to 1974. And
21 personnel said that there was -- there was just an
22 earthen pit that they dumped it in. And so you're
23 worried about soluble lead leaching down into
24 groundwater.
25 There is not that much to say about this other
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1 site. I mean, I -- there is -- I think that there is
2 a -- from my perspective you need to clean up sites to a
3 carcinogenic risk level of one to the minus six, not
4 the -- not the ten to the minus four.
5 Now, there is a target range that EPA has, ten
6 to the minus four to ten to the minus six. I think you
7 all who attended the health risk assessment seminar know
8 about that. And --
9 But from my perspective I would like to see
10 things cleaned up to the highest standard. And if not,
11 if you can't do it, then you have to say what -- what
12 actions you're going to take, just not a no action.
13 And so, there was one chemical that was in that
14 risk range of ten to the minus four and ten to the minus
15 six, benzyltoluene.
16 And my last point here is that I was concerned
17 about the -- the ecological -- the exceedence of -- of
18 ecological risk thresholds in drainage channels in
19 Seal Creek in Site 17.
20 These are ecological indicators. They are not
21 standards. I don't think they're even ARARS. But they
22 tell you something. And before the site is given a no
23 further action I would like to see somebody investigate
24 these indicators and why they -- why they're exceeded
25 and explain it to the RAB. I don't have an explanation
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1 for them.
2 With that I'm --
3 Yes.
4 MR. McLEOD: I'm concerned about the boundaries
5 too, I guess.
6 Is this your handout here, this one
7 (indicating)?
8 MR. STRAUSS: No.
9 MR. McLEOD: Are you talking about the disposal
10 area in the landfill site?
11 MR. STRAUSS: (Shakes head.)
12 MR. McLEOD: You're not. Okay.
13 MR. STRAUSS: You were reading.
14 MR. McLEOD: I was.
15 MR. STRAUSS: Okay. Thank you.
16 Well, this is my final presentation to the RAB.
17 I will be --
18 As I receive comments I will be amending the --
19 the reports, and I will send a final report to the Navy
20 and to -- to the -- the community cochair. Hopefully
21 everybody can get me comments, if they have them, by
22 December because that's when I'm going to start amending
23 my reports. Now, I'll get one report for the four
24 sites.
25 MR. SKAREDOFF: Is there a web page or web site
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1 address? How do we get the comments to you?
2 MR. STRAUSS: I'll give you my E-mail address
3 later.
4 MR. BOYER: Steve, can the -- can the Navy
5 provide Peter with some of the procedural manuals for
6 some of this stuff on his questions about the procedures
7 and stuff?
8 MR. TYAHLA: Well, his first slide, when he
9 said he didn't want to embarrass me, I feel pretty
10 embarrassed, but, you know, he's totally right.
11 Those July questions, they came in to me, they
12 weren't really addressing a specific report. Now, I
13 don't want to bore you with contract details, but we set
14 up our contracts to review documents or respond to
15 comments to a specific report.
16 Well, these kind of came in from like here, and
17 we addressed them. There were a lot of good questions,
18 and it's going to take some research to do. And,
19 actually, probably a good month ago that I'm kind of
20 tasked -- need to start to get to work on those, and
21 we're late. We should have had those to you guys like
22 probably a month ago at least. So we have to follow up
23 with that. I do owe him that.
24 And that will be one of the things we'll look
25 into, Chris, is, like, you know, what kind of manuals
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1 we've had. And part of the problem with Concord is
2 that, you know, it's mothballed. So going back and
3 trying to find out who worked in what shop, they aren't
4 there right now. So, it will take some digging into to
5 do some of that. So the July questions we need to
6 answer.

7 And, also, both of his reports we've gotten in
8 draft form. We've already been working on -- internally
9 on responses to comments that I think are really helpful
10 on -- finalize the report, give us the questions, and,
11 of course, once we get responses, follow-up questions,
12 give us a call, that kind of a thing. So we want to
13 make it as complete as possible when he puts out his
14 final report.

15 MR. BOYER: I'm curious about the -- the
16 bat- -- the battery repair shop in that, you know,
17 they've talked to former employees, and former employees
18 say it exists, but they couldn't say, yeah, walk out
19 this door and turn right and go 27 steps, and that's
20 where it would be that they -- I don't know.

21 How hard is it to characterize that and find it
22 out there after you've talked to somebody about it?

23 MR. TYAHLA: We'll have to address that as one
24 of the comments. I'm honestly not super familiar with
25 Site 17 as I should be right now to give you an

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1 off-the-cuff answer.

2 MR. STRAUSS: I mean, you know, the -- the site
3 investigation seemed to have a location in mind. I
4 mean, I think it's -- you know, it's a couple of hundred
5 yards away from the building.

6 MR. BOYER: Okay.

7 MR. STRAUSS: And that's where they looked.
8 They dug trenches, and they took a number of soil
9 samples. Now, I don't know if that was a -- and they
10 didn't find anything.

11 MR. TYAHLA: One of the problems when you're
12 going by some historical knowledge is that -- I've been
13 through it at other bases -- and it's just like someone
14 says look here. You spend the money, you dig, you do
15 whatever, investigate the site, there is nothing there.
16 And it does make you scratch your head. Well, they
17 think something was there, but it's in the wrong place.

18 What we'll have to do when we address these
19 comments is look back at what the basis was for where we
20 looked where we did and try to figure out, you know,
21 what's up.

22 But, I mean, I've spent a hundred thousand
23 dollars at sites at other bases looking for something
24 that turned out to be a lid to a 55-gallon drum. So you
25 don't know.

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1 MR. BOYER: Just curious.

2 MR. SKAREDOFF: A big metal detector, maybe, to
3 find piles of batteries.

4 MS. WALLERSTEIN: You have a question over
5 here.

6 MR. McLEOD: Well, this might be of some help
7 to you. As far as the history of the site, you might
8 try the county historical society and the Concord
9 historical society and all of their contacts.

10 I've personally talked to people who worked on
11 the base for 25, 30 years, worked in their nuclear
12 facility, and he had a lot of interesting information.
13 He lives here locally in Martinez. And there are people
14 there, but I think you have to perhaps make it known
15 that you're trying to find them.

16 MR. TYAHLA: Okay. Thanks.

17 MR. BOYER: Thank you very much, Peter.
18 Appreciate it.

19 MR. STRAUSS: Thank you.

20 MS. WILLIAMS: Thank you, Peter.

21 MS. WALLERSTEIN: You asked about his E-mail.

22 Do all the RAB members have the contract
23 information that Tetra Tech puts out?

24 MS. WILLIAMS: Should be in there. We got it
25 last RAB.

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1 MS. WALLERSTEIN: All right. I'll make sure
2 you get it sent out to you because everybody's addresses
3 and contract information, including Peter and Patrick,
4 is on there. I'll make sure you get that so everybody
5 will be able to submit comments.

6 MR. RAMSEY: Thank you, Peter.

7 MS. WALLERSTEIN: And then we have Patrick
8 Lynch. He will be presenting on the Site 1 Landfill.

9 MR. LYNCH: My name is Patrick Lynch,
10 environmental consultant with Clearwater Revival
11 Company. And the Local Reuse Association obtained a
12 Technical Assistance Grant from the U.S. EPA and used
13 that money in part to pay for my services to review the
14 administrative record for the Site 1 Tidal Area
15 Landfill.

16 Again, it's located in the Tidal Area adjacent
17 to the R Disposal Area, and I believe it's -- Taylor
18 Road is the road alongside of it.

19 Just a little bit about the Site 1 history. It
20 was the base's sole landfill from 1944 till 1979. Now,
21 there is a couple of key issues why those dates are
22 important.

23 Prior to 1960 most of the landfill waste in the
24 Bay Area was burned before it was landfilled, so that
25 has potential to cause some additional contaminants to

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1 be formed during the burning process.
2 The second important date is 1981, and that's
3 when RCRA authorized Solid Waste Management Units for
4 municipal waste. So prior to that date there was really
5 no distinguishing between common household garbage and
6 hazardous wastes. So all that material was essentially
7 put into the landfill at the same time.

8 The investigation reports that I primarily
9 reviewed about Site 1 were the site investigation
10 report, and that site investigation was conducted from
11 '88 to '92, and then there was a feasibility study.

12 And normally we'd see a feasibility study
13 prepared following a remedial investigation. Here the
14 feasibility study focused solely on one alternative, and
15 that was a landfill cap. And while it did look at
16 different designs for that landfill cap, that was the
17 only alternative considered.

18 There was also a technical memorandum that was
19 performed that did a lot of trying to adjust data gaps
20 both about the geology beneath the landfill as well as
21 some concerns about groundwater contaminants and
22 groundwater migration.

23 And finally in 2001 the version of the Record
24 of Decision that I prepared. Since this time there has
25 been an updated version of that Record of Decision

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1 that's been issued by the Navy.

2 There is not a lot of substantial difference.
3 Again, it has to do with how the cap would be designed.
4 It doesn't really change my -- my comments or the
5 results of my review at all.

6 And there is also an ecological site
7 investigation that was conducted, and that was not
8 conducted for the Site 1 landfill but for the other
9 sites within the Tidal Area. And because it includes
10 the R Disposal Area, which is the wetlands along the
11 border of Site 1, some of the findings from that report
12 I think are important to consider in selecting an
13 alternative for the landfill.

14 The significant issues that I identified in my
15 review, one had to do with the site boundaries. Even in
16 the current version of the Record of Decision the site
17 boundaries are described essentially where the elevation
18 rises above sea level.

19 And it's not a very good legal definition to
20 have, and I think it's important that there be a record
21 of the boundary of the landfill to be established
22 because -- essentially the wetlands since 1981, when
23 this RCRA took effect, should have been protected from
24 any erosion of waste from the landfill cap into the
25 wetlands.

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1 It's clear from looking at the information
2 about the wetlands or the landfill surface that some
3 erosion has occurred. And so the boundary between
4 Site 1 and the wetlands is poorly defined, and I think
5 that it needs to be a surveyed boundary in order to
6 protect additional erosion into the wetlands.

7 The other significant issue I found in the
8 feasibility study was the actual volume of waste that's
9 in the landfill. And that's, you know, got to be one of
10 the most important figures to come out of the remedial
11 investigation is an accurate estimate of the amount of
12 waste that's landfill.

13 Again, the feasibility study, the Record of
14 Decision, recommended a presumptive remedy containing
15 the landfill contents. I had some concerns that the
16 remedy proposed in the Record of Decision does not
17 contain the five components that basically are required
18 of that presumptive remedy.

19 And there is also some special consideration
20 that should be made when applying that presumptive
21 remedy. And they -- the two that I don't think were
22 addressed very well are addressing wetlands and
23 addressing special military wastes.

24 This is not so much an issue with groundwater
25 data. There are some problems with the quality of the

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1 groundwater data, but there is obviously -- and
2 obviously you heard some agreement here tonight that
3 there's a need for additional groundwater
4 characterization.

5 In addition to that need for additional data
6 and more reliable data, the separation of the
7 groundwater from the remedy and installing a cap without
8 considering groundwater I don't think has been really
9 thought -- thought through, and that is a concern.

10 Here are -- here are the landfill volumes that
11 were used in the different documents I -- I looked at.
12 We look in the ROD, and we'll see a figure of 33,000
13 tons. Now, I've converted that to a volume using a
14 specific gravity, and I come out with 33,000 tons
15 equivalent of about 25,000 cubic yards of landfilled
16 waste.

17 Now, in the feasibility study most of the
18 analyses are done using 200,000 cubic yards of waste.
19 And using that -- that volume of waste an estimate of
20 how much it would cost to perform on-site disposal was
21 made, and the Navy estimated \$13 million.

22 You see if we take that \$13 million, it works
23 out to about \$65 per cubic yard to do excavation and
24 off-site disposal. We prorate that to the larger or the
25 smaller waste volume estimate, and we come out with a

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1 figure of \$1.6 million, which is actually cheaper than
2 the cost of the proposed cap.
3 Another thing that's of interest is -- again,
4 this is a figure from the feasibility study. In making
5 a cost estimate they had to perform an estimate of the
6 amount of fill material that would have to be imported
7 to the site to actually construct the cap on the
8 landfill. And the estimate based upon, again, a
9 13-acre landfill was 113,000 yards.

10 Again, if we're considering a smaller volume of
11 landfill waste of only 25,000 cubic yards, and we're
12 concerned that excavation and off-site disposal will
13 create a lot of additional truck traffic on neighborhood
14 streets, we also have to be concerned about the truck
15 traffic that's going to be created by importing soil,
16 and look at which one of those options may be more --
17 more beneficial.

18 Under the EPA's guidance for the presumptive
19 remedy at a military landfill, it's supposed to contain
20 five components. One is the landfill cap, which in the
21 version of the ROD I reviewed was estimated to cost \$2.4
22 million. I think the cost in the most recent version of
23 the ROD has been updated to \$2.6 million.

24 So, that component as well as the institutional
25 controls are the only two components in the presumptive

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1 remedy contained in the ROD.

2 As we heard during the discussion here earlier
3 this evening, landfill gas is not addressed, leachate
4 has not been addressed, and groundwater is proposed to
5 be addressed through a separate ROD.

6 Okay. State law requires that a landfill gas
7 survey be completed as part of a -- a landfill closure.
8 And, again, the issue is that that is going to be
9 completed as part of the design -- rather as part of --
10 prior to the alternative analysis. Again, putting in a
11 gas collection and treatment system could add to the
12 cost of the remedy, and that's the concern.

13 The estimate for the emissions, and that was
14 done using an EPA model based upon the 200,000 cubic
15 yards of waste, so it's a larger volume of waste, an
16 estimate was made of 20 tons of methane a year. That
17 was compared to the limit of -- it's not actually 150
18 tons per year, but 150 million grams of methane, which
19 is very close to 150 tons a year. But that figure
20 should be applied to the entire facility.

21 So if you have more than one landfill on your
22 facility, that would take away from your allowable
23 capacity. So we can't simply compare 20 tons to 150
24 tons. We need to look at all the landfills on the base
25 and their potential to emit methane.

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1 Looking at the results of the samples that were
2 actually collected from the waste material, we do see a
3 low organic content indicating what I presume is a lot
4 of the material that came from the Wood Hogger site. It
5 was wood that had been burned in the incinerator that
6 was located there and buried. And so a lot of the
7 organic content of the waste has been removed from
8 burning.

9 But as -- as Laurent said, the age of the
10 landfill is no substitute for actually testing the
11 landfill gas. He cited Hamilton Air Force Base.

12 Fort Ord they had a similar problem, not so
13 much with methane but with toxic air contaminants.
14 Hunters Point, they had a problem with a landfill fire
15 on a -- after the landfill had been capped. So, there
16 is enough methane to sustain a fire. It went on for
17 several weeks, that landfill fire.

18 Landfill leachate control, again, the concern
19 here is that some of the waste is actually submerged in
20 the shallow groundwater and that allows, again, the --
21 the waste components to become dissolved in the water,
22 and it also creates a hydraulic gradient. And though
23 there is the centerlying Bay mud, and it does have a low
24 permeability, there is some evidence of some sand
25 lenses. So we don't know how complete that Bay mud is

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1 throughout the entire base of the landfill.

2 What often happens on these tidal sites in the
3 wetlands is the drainage channels in sloughs that form
4 meander. And there is a potential that -- you know,
5 over the geological history of the site probably be
6 about 10,000 years based upon ice ages that occurred in
7 the Bay. There is potential that a stream may have
8 meandered and maybe filled with a lower permeability
9 sand that may have eroded from the hillside. And it
10 may, quite frankly, create a hydraulic connection
11 between the shallow aquifer that's perched on the Bay
12 mud, and there is a neutral aquifer about 50 feet down.

13 There is no groundwater investigation. There
14 have been some feasmeters installed that we can use to
15 measure the gradient between the shallow and lower --
16 the deeper aquifer. And we actually see whether the
17 shallow aquifer is traveling into the deeper aquifer, or
18 the deeper aquifer is confined and actually moves water
19 upward, and determine whether or not there is a
20 potential threat to that deeper aquifer.

21 The issue with wetlands, one of the things in
22 reviewing the work that had been done, they basically
23 had done some isotopic analysis of the water and looked
24 at some of the radioisotopes of hydrogen and oxygen to
25 try to determine what the fate of water was within the R

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1 Disposal Area. And it kind of came to the conclusion
2 that water was essentially evaporating in the area, and
3 the water within that wetlands area was becoming more
4 saline.

5 CALFED was a recent water quality criteria. It
6 was established to ensure sufficient fresh water flows
7 in the Delta. And one of the criteria in there
8 specifically talks about wetlands in the Suisun Bay.
9 And one of the criterias is it not be allowed to become
10 a brackish marsh. And that appears to be through the
11 tidal gates and such that are in that ardent disposal
12 area wetlands -- that appears to be what's happening,
13 and it doesn't appear to be consistent with this
14 recently enacted legislation.

15 And there is a concern if more Bay waters allow
16 the flow into that wetland it may change the way the
17 hydrology's been characterized. So, there may be a need
18 to make this change to comply with the ordinance, and it
19 may ultimately change much of the investigation work
20 that's been done to date.

21 In the Ecological Risk Assessment they base
22 their impacts using what they consider to be a fraction
23 of the total metal concentration that was bioavailable,
24 and it would be more conservative to have used the total
25 concentration and -- in evaluating ecological impacts.

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1 And also in the wetlands area there was a
2 number of locations where the surface water had an
3 extremely low pH. It was very acidic. And with surface
4 water we generally anticipate the pH to be between four
5 and eight based upon carbon dioxide dissolving in the
6 water. And in this particular case with a pH as low as
7 1.2, it's an indication of some kind of anthropogenic
8 source. So, it's some kind of waste disposal practices
9 is the only way to really produce that kind of pH in
10 surface water.

11 Also looked at the issue of military specific
12 wastes. And this is primarily talking about things like
13 explosives and ordnance, propellants and chemical
14 warfare material.

15 I went back and looked at the hazardous waste
16 generation records for the base for the year 1999, and
17 with the exception of bilge water from ships and
18 asbestos from building demolition debris, the largest
19 hazardous waste volume that they produced was this
20 propellant otto fuel, or auto fuel, which is used in
21 torpedoes.

22 None of the information I reviewed on the base
23 provides historical context how that waste was managed
24 prior -- prior to hazardous waste laws being enacted.

25 MR. BOYER: I think the sailors drank it.

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1 MR. LYNCH: There is also some anecdotal
2 evidence of fill from a 750-pound bomb being disposed of
3 the -- at the landfill.

4 And, you know, we can argue whether or not that
5 happened or it didn't happen. What's important is, if
6 it did, if it was in the landfill, would that impact our
7 remedy? Would that somehow make the cap less effective
8 having this material in there?

9 The groundwater analysis conducted around the
10 perimeter of the landfill, there were two quarters of
11 analysis for high explosive compounds like TNT, but it
12 was discontinued before four quarters were completed as
13 required by the work plan based upon no detections
14 during the first two quarters.

15 And, again, the reason for collecting four
16 quarters of data is to account for all the potential
17 seasonal effects. And if you discontinue your
18 monitoring, again, you have inconclusive data.

19 The last issue there, obviously, is low level
20 of radioactive waste that's part of the municipal waste
21 stream. And this is a contentious issue, I know,
22 between the Navy and the EPA about the radioactive
23 material in their landfills.

24 What I found in my review is references to a
25 radiation survey at the site. And I have regulator

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1 comments on that proposed sampling plan, but I don't see
2 any results. So, it's not clear why that was not done.
3 I mean, there was initially a rationale for conducting
4 the sampling, and why it was not completed is not clear.

5 Again, the groundwater data, there was a series
6 of reports. The first one was the Site Investigation
7 Report that covered that period from 1988 to 1992. And
8 in subsequent reports all of the data that was collected
9 during that investigation was deemed unusable because
10 there was not an explanation provided when data was
11 qualified.

12 And what's ironic is in the subsequent
13 investigations and technical memorandums and remedial
14 investigation and technical memorandum that were
15 prepared they did the exact same thing. So, there is a
16 concern that a lot of usable data is being ignored in
17 trying to address the alternative.

18 An example was in the technical memorandum
19 there was concern that groundwater sampling revealed a
20 high level of Cobalt above what people would consider a
21 background level. So, there was an effort to go back
22 out and actually to take samples for this radioisotope,
23 which is Cobalt-60.

24 And, again, the results are inconclusive
25 because the level of concern was basically below the

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1 detection limit that was achieved in the sampling. And
2 that's the kind of -- kind of issues that with a -- with
3 a lot of the data is that despite the fact that it does
4 not provide conclusive evidence, it's not conclusive of
5 the absence of a contaminant.

6 Another issue is the groundwater flow
7 direction. In a tidal area site with shallow
8 groundwater, you're trying to manage your -- very small
9 differences in elevation in groundwater between wells
10 that are spaced generally about 400 feet apart. And
11 often the way the well was designed, the screened
12 interval is actually submerged beneath the groundwater
13 level.

14 And when the well is closed, there is a pocket
15 of air in the casing, and as the ground level water
16 fluctuates -- it's basically a piston in the well. And
17 what will happen is if the groundwater level in the
18 aquifer has recently dropped, when you try to remove the
19 well cap, there will be a little vacuum actually in the
20 well casing. And the alternative maybe is that if the
21 groundwater level has recently increased, you've got to
22 remove the cap, and it comes off with a pop.

23 Now, in order to get accurate measurements for
24 determining groundwater flow direction, we need to open
25 up all of those well casings and allow the elevation of

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1 groundwater in the well to equilibrate to the
2 atmosphere. And because we're -- had walls that are
3 screened in Bay mud, this is a process that requires a
4 lot of patience. So if we're -- there is some question
5 about whether or not the data that has been collected on
6 groundwater elevations was really done with that level
7 of care to allow us to accurately describe groundwater
8 flow in -- in the Tidal Area Landfill area.

9 The last comment about Otter Sluice, you know,
10 there are some studies that were done trying to
11 determine the interaction of groundwater between Otter
12 Sluice using measurements of tidal elevations and
13 groundwater elevations, but there was never a
14 description of really how deep that slough is
15 constructed to, and that will really have a bearing on
16 how that groundwater flows in the area.

17 And I just put this up. You can't see it very
18 well, but give you an idea of the wells that are
19 surrounding -- here's the landfill border, and here
20 is -- essentially there is seven Tidal Area wells that
21 surrounded the site at the boundary. And there was some
22 additional investigation work that was conducted along
23 this area here (indicating).

24 Again, they were investigating whether or not
25 a -- a man-made channel that shows up in aerial

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1 photographs might have been acting as a preferred
2 pathway for flow of groundwater because it might be
3 backfilled with something more permeable than Bay mud.

4 And there also was an effort there to
5 investigate some of these sand lenses and to
6 determine -- there actually was only two locations where
7 they installed well pairs to try to get some measurement
8 of that hydraulic -- or vertical hydraulic conductivity,
9 but, again, the results seemed inconclusive with that --
10 the gradients flipped with each other between the
11 measurements that I -- I looked at.

12 In terms of the -- the groundwater strategy, I
13 don't think that a -- a separate ROD is appropriate.
14 And the reason I say that is the -- we need to look at
15 what the potential remedies are for groundwater
16 contamination at the site, if it indeed is contaminated,
17 and the groundwater ROD is not going to recommend no
18 further action.

19 One -- one is source removal, going in and
20 excavating the landfill. And if we put a cap on it,
21 that is going to make that extremely more difficult. We
22 now have a hundred thousand additional cubic yards of
23 soil to handle.

24 The other is extraction and treatment. And
25 here we have a problem because of the geology. We have

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1 this low conductivity Bay mud. We put in an extraction
2 well. We won't influence more than five feet away from
3 that well pumping it dry.

4 So, what we need to do is we need to put in
5 horizontal trenches, and so now we're looking at the
6 cost of performing an excavation essentially around the
7 perimeter of the landfill. And then if we're trying to
8 basically extract groundwater from a trench, we've got
9 to compete with the water flowing into the wetlands.

10 And so using a groundwater extraction and
11 treatment scheme in this type of environment won't be
12 very effective. So we're left with a containment
13 option, which is putting in a slurry wall or some type
14 of a subsurface barrier around the perimeter of the
15 landfill. Again, this is a \$10 million project trying
16 to surround a ten-acre site with a slurry wall.

17 And, again, the problem that you run into
18 trying to install a slurry wall in this environment is
19 that the Bay muds don't have sufficient strength to hold
20 the wall, and so you end up having to dig the wall
21 actually deeper than necessary to provide containment so
22 you can get into some soils that actually will provide
23 foundation for the wall.

24 So essentially the conclusions of my
25 investigation of Site 1 is to really look at the cost

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1 and benefits of the remedies. Essentially putting in a
2 cap really provides minimal benefit because the waste is
3 submerged in groundwater, and that's -- that's
4 essentially what you're trying to prevent the cap -- the
5 cap is intended to prevent from occurring.

6 And I think it's important that the groundwater
7 be included in -- in this ROD simply so that we don't
8 eliminate potential groundwater cleanup options that may
9 be more cost effective than what we will ultimately
10 decide, but we have to make that decision with a cap on
11 the landfill.

12 And the other one is to complete the
13 investigation of the landfill gas and leachate and
14 groundwater before proceeding with the remedy.

15 So if anyone has any questions, I'll --

16 MR. BOYER: Mary Lou, do we have to take a
17 break before we go to questions?

18 MS. WILLIAMS: I think Janine needs a break
19 because it's about 55 minutes. So she needs a 10-minute
20 break.

21 THE REPORTER: Five is fine.

22 MS. WILLIAMS: You tell us when; okay?

23 THE REPORTER: (Nods head.)

24 MS. WILLIAMS: Why don't we break for at least
25 five, or maybe 10 minutes, and then we can bombard

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1 Patrick with questions.

2 (Recess from 8:40 p.m. to 8:47 p.m.)

3 MR. BOYER: Are you ready for questions,
4 Patrick?

5 MR. LYNCH: I'm ready.

6 MR. BOYER: Hey, Steve. So how does the Navy
7 get its landfill numbers? I'm serious. How did the
8 Navy --

9 MR. LYNCH: I mean, I can actually provide that
10 explanation.

11 MR. TYAHLA: Well, you know, in my hand I have
12 something I can't just hand you, but it's a --
13 preliminary draft responses to a lot of the comments
14 we've received on the Site 1 ROD.

15 And I appreciate Pat's thoroughness in going
16 through everything the way he did. It was a good
17 presentation. I don't necessarily agree with it all,
18 but it's a good analysis.

19 The 33,000 tons of waste that was in an earlier
20 report came from some unknown source. I have no idea
21 where that number came from, and that's why that was not
22 used in like the ROD or the FS and that kind of thing.

23 Based on a 2001 toposurvey and
24 photosurvey, based on that, like, 125,000 to 135,000
25 cubic yards of waste. And I can't give you the details

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1 exactly how this calculated with the topomaps and all
2 that, but at 125,000 -- and I know that's -- that's like
3 above -- below the 200,000 we used in our -- our FS.

4 But even at 125,000 cubic yards, I did a quick
5 calculation with the same \$65 per cubic that Patrick had
6 done, and that's -- that takes you over 800 right there.
7 And that's just for disposal -- excavate and disposal
8 costs. So the price of doing something like that --

9 MR. BOYER: From the public perception, does
10 the Navy have a history of talking to the public about
11 we have a choice of either moving 25,000 cubic yards of
12 ick through your neighborhood versus a hundred thousand
13 yards of clean filler through your neighborhood?

14 MR. TYAHLA: Well, in a Feasibility Study,
15 whenever you get into like short-term effectiveness,
16 it's like the CERCLA or the nine criteria, that's where
17 you're really dealing with things like that, like, well,
18 is it better -- what's the risk to the local -- to
19 construction workers, too, those poor guys, but, you
20 know, you're dealing with digging and hauling and all
21 that sort of thing and transporting it. And that is --

22 You know, I could go through a litany of things
23 that make me cringe at the thought of digging up the
24 landfill, you know, on a personal basis, an engineering
25 basis, but the volume -- the volume correction there is

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1 something I definitely thought was important to point
2 out. And rather than 33,000 tons, we're looking at
3 125,000 cubic yards.

4 MR. BOYER: And the thing that makes me wonder
5 about the digging up is when you say most of this is
6 below water or in groundwater already, is there some
7 treatment of that water as you pull stuff off and you
8 end up with this huge marsh there? How do you remediate
9 that?

10 After you pull the stuff out, you got this
11 water that -- that all of the stuff's been sitting in.
12 Do you pump that stuff out? I -- I assume that you have
13 to backfill with dirt or some sort of substance
14 that's -- that's worthy of that area.

15 MR. TYAHLA: Well, RCRA is kind of an
16 interesting law in that once you dig up something, once
17 you take something and move it out of the ground, you
18 have to do something with it, and it's -- it's a waste.
19 You got to characterize it and deal with it.

20 So, that would mean in my mind -- say you dug
21 that stuff up, and you had problem No. 1 unsolved. You
22 have to dewater it because you aren't going to haul it
23 around wet, free liquids, you might say.

24 And whatever that discharge water is, you're
25 going to have to do something with it, which would

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1 probably mean treatment and -- there's various ways you
2 can deal with it. You can treat on site, try to get a
3 MTS permit for discharge or get -- like haul it away,
4 treat it, all that sort of thing.
5 But, yeah, you wouldn't be able to haul away,
6 like, wet material. You'd have to either -- do
7 something, deal with that moisture.
8 MR. BOYER: Okay. When you were talking about
9 landfill gas control, Patrick, you said that the waste
10 had lower organic content. Does that mean not a lot of
11 methane production, anaerobic, aerobic --
12 MR. LYNCH: That is --
13 That is what you would expect.
14 One of the differences, though, with this
15 particular landfill is it was put on top of wetlands,
16 and so there is a layer of vegetation material. And
17 even the Bay mud itself has such a high organic content
18 that the evolution of methane may very well be coming
19 from those underlying Bay muds. As the fill is placed
20 on top of it, it compresses and forces the gas up.
21 MR. BOYER: Okay.
22 MR. TYAHLA: When we get into the design of
23 this, I can't see us not putting at least some amount of
24 passive like, you know, methane venting. Like he said,
25 he brought up, you know, it's true, but, you know, a lot

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1 of biologic material down in the Bay mud generate
2 methane. So you don't want to have that problem.
3 MR. BOYER: I wouldn't go down there and light
4 a cigarette on an inversion day, you know.
5 MR. TYAHLA: Right.
6 MR. BOYER: Yeah.
7 MR. McLEOD: Well, early on I was concerned
8 that -- that it -- that it was considered to be
9 following the rules of a dump or a city dump, and it
10 seemed like -- that there were different laws relating
11 to being built on -- the dump actually being put on
12 wetlands. And the way I read it, the presumptive remedy
13 wasn't proper if it was actually a wetland as opposed to
14 a dry land dump. Is that meaningful?
15 MR. LYNCH: That's not -- that's not --
16 It's somewhat accurate. Again, there is the
17 issue that the -- below groundwater, and that's
18 obviously because it was constructed on the wetlands.
19 And then it's an issue if the wetlands itself should
20 have been given special consideration, but without
21 special consideration it's almost -- what hasn't been --
22 the wetland that hasn't been landfilled yet, that should
23 be given some consideration about whether what they're
24 proposing to do with that cap could impact that -- that
25 area. But it's more the shallow -- shallow groundwater.

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1 MR. McLEOD: The other question is, it's sort
2 of outside the box, but I still think it's relevant, and
3 I've brought it up a number of times, and it's just the
4 boundaries of the site.
5 And it's historically known that there was a
6 smelter there in the site just north of that, and there
7 was also a lumberyard that was there for a generation.
8 And have you guys studied that yet?
9 And I know it was -- it was told to me starting
10 in 1995 and, you know, 2000 and 2001, 2002 that they
11 were going to take a look and see what remains of that
12 copper smelter. Has that -- has that been done?
13 MR. RAMSEY: We've talked about that, actually,
14 Dean, to a certain extent.
15 I was asking the Navy, do you want to say
16 anything or not?
17 MR. TYAHLA: No.
18 MR. McLEOD: It's just outside the boundary of
19 this site to the north.
20 MR. TYAHLA: It's not within 2, 9, 11.
21 MR. McLEOD: It's not in any of your early
22 investigation.
23 MR. TYAHLA: It's to the north?
24 MR. McLEOD: It's to the north. It's
25 clearly -- I have photographs.

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1 MR. RAMSEY: Let me --
2 I just want to give the Navy a chance to speak
3 because we have talked.
4 I'm well aware of the issue years ago of
5 getting a report, Dean, and I never forgot about that.
6 I've reminded the Navy several times in discussions
7 about the Tidal Area, the landfill. I want to remind
8 them of my comments about the historical operations that
9 in addition to shipbuilding it was the -- it was -- the
10 Pacific smelter did actually only operate for about
11 three years. So at least at the turn of the 19th
12 Century smelter did only operate for just a number of --
13 you know, three or four years, I believe.
14 So, that's good news for the Navy that we've
15 talked about that a little bit to Steve, and we kind of
16 keep that in a category of like new sites, and that's on
17 my radar for new sites.
18 But right now we have a pretty big list of
19 sites and priorities, and then it gets down to, you
20 know, other activities and new sites. And so at least
21 U.S. EPA is fully aware of the comments. We have
22 brought it up to the Navy about this operation. And in
23 particular I think in the course of discussions a while
24 back on the Tidal Area sites we talked about how it
25 would be interesting to see what data has been collected

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1 for the Tidal Area.

2 This is when we hadn't actually seen the RI for
3 the Tidal Area sites, to see the data collected all the
4 way up along the river essentially where the -- where
5 the smelter was located. But right now we're really
6 dealing with this primary -- you know, high-priority
7 sites.

8 And we have a list, and it came up in
9 discussions of other sites, but we actually already have
10 another whole group of sites, Dean, that's already being
11 worked up in terms of new sites.

12 And that's the Navy's Munitions Response
13 Program has about eight sites, and we're not exactly
14 sure what they are yet. And, you know, as we move
15 through these other sites, I would like just to believe
16 that these other things will eventually rise up.

17 MR. MCLEOD: My concern was -- and it's because
18 I'm ignorant of the technical ways that you set the
19 boundaries for the sites, and I guess that just
20 triggered it when you mentioned the boundaries.

21 You were thinking of really defining to the
22 metes and bounds what the boundaries were, but I'm
23 concerned about how the decision was made to make the
24 original boundary and ignoring what I consider to be the
25 most significant area, which has never been

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1 investigated. So, it's probably because I don't
2 understand the site selection process well enough.

3 MR. TYAHLA: Well, if you're asking are we
4 going to, like, encompass this whole smelter site within
5 Site 1, I can tell you now, like right now, no. We're
6 going to have to -- making it a new site would make more
7 sense in more ways conceptually.

8 MR. MCLEOD: I'll tell you why I think it would
9 be relevant to keep. I know it's probably not practical
10 and probably not going to happen, but the rationale that
11 I have why you would want to do that was because it's in
12 the wetlands, it's closer to the wetlands from the site
13 that you're talking about.

14 So if you're talking about the flow of water,
15 they're flowing over this non-defined site where the
16 smelter was and where the shipbuilding plant was and
17 where the lumberyard was.

18 And so, it's north. It's north of this dump
19 site. And so all of the remedy that you're talking
20 about is ignoring that which is -- you know, it's pretty
21 heavy industry. So, you know, maybe there is -- maybe
22 there is no way to consider, but it seems to me like
23 you're going to -- it would have a major impact on what
24 you're doing now, I would think.

25 MR. STRAUSS: I want to just share my

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1 experience with Moffett Field with the landfill adjacent
2 to a wetland. And first the Navy was going to separate
3 the -- the landfill from the groundwater, and there was
4 an argument made that was accepted. And it was really
5 from the community that that did not make sense. It's
6 the same -- it's the same argument that Patrick is -- is
7 putting forth now.

8 I think that the tradeoff you have to make is
9 whether there is immediate need to cap this landfill or
10 to investigate the groundwater thoroughly so you have --
11 you can make a more reasonable and, for lack of a better
12 word, holistic conclusion.

13 And I think that that's a -- and I don't see
14 that -- the landfill is existing for -- for -- I don't
15 know how many years out there. Is there any reason now
16 to go ahead and cap it and then discover later on that
17 you might have a problem by doing that?

18 And I think that that's -- now, BPA, Mike Hill
19 was the -- was the RPM. He really went off on that
20 argument.

21 MR. RAMSEY: This was --

22 That's not Site 22 at Moffett, the landfill,
23 Site 22 landfill.

24 MR. STRAUSS: No; the runway, Site 1.

25 MR. SKAREDOFF: I had sort of an observation I

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1 would like to report. I guess I was listening to Steve
2 talking about the -- sort of the reasons why you might
3 not want to open this up, you know, the big landfill,
4 all of the -- all of the concerns about the exposures
5 and unearthing all this nasty stuff that's down there,
6 which I guess, from my understanding, we don't really
7 know what's down there because we haven't done, like,
8 sampling through -- through the masses.

9 I think I remember hearing you say that the
10 idea there was that it's so heterogenous that any sort
11 of samples would probably not do a good job of
12 characterizing everything that is there.

13 But, at any rate, accepting that, but our
14 suspicion is that there's some really nasty stuff in
15 there, and so we're kind of leery of going in and
16 digging it up and exposing it and having workers having
17 to do deal with this and having to haul it through the
18 community.

19 I guess what the question comes down to, then,
20 given that we have some nasty stuff that we don't want
21 to dig up, is it better to try to encapsulate it the
22 best we can and leave it there and hope that nothing bad
23 happens, or is it better to go in and take it out, haul
24 it off someplace where it can be safely disposed of,
25 given the potential higher risks of that activity, and

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1 then the site is actually, you know, good after that?
2 And so I see that's really a -- kind of a
3 central question, and I don't think we have -- I'm not
4 comfortable with either answer right now. I wonder if
5 anybody with maybe more ideas or maybe expertise or
6 experience at other sites similar to this might shed
7 some light, might help us to decide what's the more
8 appropriate solution.

9 MR. TYAHLA: I think the dilemma you just
10 described is I think part of the reason why over time
11 EPA developed a presumptive remedy for really the larger
12 size landfills. You know, there aren't many presumptive
13 remedies in the guidance out there. I think there is
14 probably still one for groundwater. There's just a
15 couple. There is a handful of them. There aren't many
16 of them out there. There are a couple or three or four
17 different categories.

18 MR. RAMSEY: Right.

19 MR. TYAHLA: It's not like there's hundreds out
20 there. It's not like there is a hundred of them. And
21 it's because landfill has been a pretty common problem,
22 and they're usually not small. And those are some of
23 the big factors that enter into it. I wish -- I wish we
24 had the perfect record for everything that went in there
25 like you would a modern landfill, but we don't.

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1 MR. LYNCH: There was a case down in Fort Ord
2 in Monterey. They actually had six landfill cells, and
3 two of them were on the wrong side of the road. And so
4 in that particular case they actually did go in and
5 excavate the contents of those two landfills and
6 redispense of it within the other four. So, there is
7 some precedence.

8 And there was a case where they had a
9 legitimate concern and, in fact, found exploded ordnance
10 as they were doing the excavation and took care with
11 that.

12 But, yeah, I think you're right. You have a
13 situation where you could go in and you could excavate
14 the material, and there is some certainty that you've
15 addressed the problem.

16 And the other alternative right now is
17 essentially what I call throwing land away. And it's
18 obviously a very unsustainable practice, but you're just
19 basically saying here's ten acres of earth, and it's
20 got -- it's got no future use. So, that's another
21 significant tradeoff.

22 MR. STRAUSS: And maybe you're looking at the
23 dilemma -- I mean, this isn't -- you're talking about a
24 dichotomy, and maybe that's -- maybe this is not a
25 dichotomy. Maybe there is multiple ways of treating

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1 this -- this kind of stuff so that you could make --
2 it's possible that you could address the groundwater
3 first and then later on cap it without excavating a lot
4 of stuff, maybe excavating some. So maybe -- maybe
5 finding hot spots within it.

6 MR. SKAREDOFF: Yeah, for the distribution of
7 some really nasty stuff, maybe selective excavation
8 might make sense, but I guess what I'm hearing is we
9 don't really know what it is and where it is
10 necessarily.

11 MR. RAMSEY: Well, there was -- there was a
12 decision by the whole team, you know, back in the '90s
13 when the site was being investigated that they would
14 allow the presumptive remedy approach for the
15 characterization and the analysis of alternatives, be it
16 the characterization would be we're not going to make
17 Swiss cheese of this land, we're not going to perforate
18 it, we're going to expect the waste is going to be kind
19 of hetero- -- heterogenous.

20 So, there was an attempt to do some borings.
21 And how deep they went, that's probably questionable.
22 But this is -- all the teams and the regulatory group
23 years ago that made that agreement.

24 It was also decided -- it was an agreement of
25 decision on the part of the team by probably about four

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1 RPMs previous to me to proceed with this focus. It was
2 an attempt to streamline the process, believe it or not,
3 and to get a remedy for the landfill cap. That was a
4 decision made by the team maybe ten years ago.

5 But this group of people now, we're left to
6 defend the characterization that was deemed acceptable
7 at the time. Sometimes it's not the easiest thing.
8 We're also going back ten years when kind of the state
9 of the presumptive remedy and the investigation and a
10 group of --

11 MR. SKAREDOFF: I don't really --

12 The point isn't to attack anybody or, you know,
13 call into question anybody's motives or competence.
14 It's just knowing we're here at this time, at this stage
15 of technological and environmental and what have you,
16 regulatory involvement and development, and so what's
17 the best decision to make now, here and now, and is it
18 to stay with the previous presumptive remedy, or does it
19 make sense to reexamine this again or not?

20 I don't know. I'm frankly very baffled by this
21 whole thing. It's kind of a hard one to poke through.

22 MR. RAMSEY: Well, I add, though, I mean, stick
23 my neck out, from the regulatory side, we're not -- look
24 at the comments and hear what the Navy's saying.

25 I believe that this agency record is fairly

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1 clear. We had a fairly consistent presence on these
2 projects, and I think there were agency records, and the
3 agreements that were reached to go this direction were
4 all there. I haven't done a lot to change that
5 necessarily.

6 But then, again, when I'm looking at the --
7 some of the other projects, other landfill Records of
8 Decision that have been done recently, my perspective
9 when I look at things, it appears as if we're
10 actually -- we're making the Navy do more almost, to a
11 certain extent -- to be careful, I guess about what I'm
12 saying, but it appears that sometimes we're making the
13 Navy jump through as many or more hoops than they have
14 had to do at other bases.

15 In particular I've mentioned before in the past
16 the Moffett Site 22 ROD there were no issues about was
17 it hazardous or municipal waste, and it's being used for
18 a golf course, and it's kind of a soil cap.

19 I've got examples of a number of bases of
20 landfills around the area that have been done recently,
21 the last few years, and they tend to sometimes be not as
22 rigorous as we've been pushing the Navy.

23 So at least, you know, thinking as my job and
24 EPA's, I believe we are trying to push them as much as
25 we can and being --

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1 MR. STRAUSS: But, I mean, if you look at
2 Site 20 -- I mean, if you look at Moffett Field, don't
3 look at Site 22, look at Site 1 and --

4 MR. RAMSEY: Site 22 is a ROD that was just
5 signed like six months ago. So you have to look at not
6 a very good example, possibly, right, but there is a ROD
7 that --

8 MR. MENESINI: A great example of a landfill.

9 MR. RAMSEY: But, Peter, the thing, if I could,
10 the soil -- the results on the groundwater from that
11 site are higher than the groundwater results we see
12 around the Site 2. The results of the soil sampling
13 from Site 22 at Moffett are so much higher than we've
14 seen from the results of the landfill at Concord.

15 So I always feel that it's kind of like a
16 typical kind of mix. It's a dump. I agree it's based
17 on limited soil sampling that was agreed to by the team,
18 you know, close to a decade ago.

19 And, again -- it was, again, I know just a
20 comment, I mean, Patrick, the idea about carving out the
21 groundwater was simply EPA's -- that was our attempt to
22 try to move along a component of this project that we
23 deemed was capable of moving forward at the expense of
24 stopping the whole project.

25 Just, you know, reiterate to the public, this

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1 is a -- this Record of Decision for this landfill was
2 first raised -- the proposed plan, the public meeting,
3 the formal public meeting, was about 1999. EPA's just
4 trying to finish, you know, this process, you know, the
5 Record of Decision. At least my attempt to try to get
6 this thing done, not leaving the landfill sitting out
7 there in just kind of an abandoned state. Sort of my
8 philosophy in this.

9 MS. WILLIAMS: I was just going to ask if we
10 could adjourn this formally -- our court reporter lives
11 on the other side over there -- and we could continue
12 this -- anybody that wishes to continue this informally,
13 we just won't have it as part of the record.

14 Is that agreeable with everybody?

15 MR. BOYER: Sure.

16 MS. WILLIAMS: Dean.

17 MR. MCLEOD: Make one more comment. I'll be
18 quick. As a representative of the Local Reuse
19 Association who obtained a grant, I would certainly like
20 to thank Patrick for an exceptionally --

21 MS. WILLIAMS: We hadn't gotten there yet,
22 Dean.

23 MR. SKAREDOFF: I want to thank the
24 Environmental Protection Agency for providing that
25 grant. We're very pleased. And I would hope -- I would

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1 hope that these questions that are brought up are
2 carefully responded to by the Navy. That's all I've got
3 to say.

4 MR. COOPER: Is applause appropriate at this
5 point for Patrick?

6 (Applause.)

7 MR. MENESINI: I would just like to say that
8 the Martinez landfill, by many factors obtained, is
9 larger than anything we see in this particular site, and
10 it was successfully capped. And it's in the Tidal Area,
11 and it's -- we use the -- the landfill gas to run our
12 furnaces at the sanitation district. And so I'd just
13 like to report that very, very, very truly it's not
14 easy. There is always difficulties, but very truly
15 these things can be capped in an expeditious fashion.

16 MR. BOYER: Will we adjourn, then, Mary Lou?

17 MS. WILLIAMS: Is there a motion to adjourn?

18 MR. MENESINI: I'll move.

19 MR. BOYER: (Raises hand.)

20 MS. WILLIAMS: Chris is going to second it.
21 All in favor of adjourning?

22 THE BOARD: Aye.

23 MS. WILLIAMS: So no opposed?

24 THE BOARD: (No audible response elicited.)

25 MS. WILLIAMS: Okay. We are officially

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1 adjourned, but I would like to make a statement, please.
2 I'd like to thank everybody for being so
3 positive tonight and all of this past year. I think
4 we've made an awful lot of forward progress, and next
5 year there will be more progress.
6 And also I'm going to wish all of you Happy
7 Thanksgiving and happy holidays, in case you don't want
8 to say Merry Christmas.
9 (Off record at 9:13 p.m., 11/3/03.)

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CERTIFICATE OF REPORTER

I, JANINE P. GAMBLE, Certified Shorthand
Reporter of the State of California, do hereby certify
that the foregoing meeting was reported by me
stenographically to the best of my ability at the time
and place aforementioned.

IN WITNESS WHEREOF I have hereunto set my hand
this 19th day of November, 2003.

Janine P. Gamble
JANINE P. GAMBLE, RPR, C.S.R. No. 10372

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